

Today, Consumers Choice Coffee, Inc. is a well known name in Kentucky's restaurant industry. It has an ever growing clientele of restaurants and other vendors. The company has Bob Patterson to thank. Bob has displayed great determination in the face of adversity. He sets an example of dedication of business and commitment to his customers that should be followed by small business persons across my State and the Nation. I am happy that Bob is being recognized for all of the good work he has done. I congratulate him on this significant accomplishment and wish him many future years of success.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, all time is elapsed, and morning business is now closed.

DEFEND AMERICA ACT OF 1996— MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 1635, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of S. 1635, a bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

The Senate resumed consideration of the motion to proceed.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, last Thursday the majority leader sought to proceed to the Defend America Act of 1996, but was blocked from doing so by those on the other side of the aisle who do not want the President to sign or be forced to veto this important legislation. These Senators may be able to block passage of the Defend America Act, but they will not be able to cover up the fact they and President Clinton have concluded that the American people should not be defended against ballistic missile attack.

Of course, the President has said that he favors ballistic missile defense. But his actions contradict this words. Since elected, President Clinton has cut funding for ballistic missile defense every year. No program has been cut more drastically than the National Missile Defense Program. The Defend America Act seeks to reverse this disturbing trend and to set a measured course toward the deployment of an affordable national missile defense system to protect all Americans.

In his recent speech to the Coast Guard Academy, President Clinton asserted that his fiscal year 1997 budget request includes \$3 billion for national missile defense. In fact, it includes \$2.8 billion for all ballistic missile defense technologies and programs and only \$500 million for national missile defense. This amount is insufficient to

fulfill even the goals of the President's own 3-plus-3 development program. Ironically, if it were not for continued Republican pressure on the administration, the President would not have developed even this figleaf of a plan.

The President and his allies in Congress have spent more time developing excuses for why we should not commit to a national missile defense deployment effort than they have in looking at the dire consequences of not going ahead with such a program. But like all such excuses, these ring hollow.

The President and other opponents of national missile defense have asserted that there is no threat to justify a commitment at this time, that we should wait 3 years before we even begin to think about a deployment decision. But in 3 years, North Korea could be on the verge of deploying an intercontinental ballistic missile and other rogue countries could be well along this path.

The opponents of national missile defense have also asserted that a commitment at this time could lead to technological obsolescence at the time the system becomes operational. If this argument were extended to other defense programs, we would never build another bomber, fighter, ship, or tank. Versions of this argument have been made time and again, each time opponents of a major defense program spin up the excuse making machine.

A national missile defense system developed pursuant to the Defend America Act will be no more outdated than one developed under the Clinton administration's 3-plus-3 plan. In fact, it would likely be more modern and technologically sophisticated, given the robust testing and focused development called for in this legislation. Under the Clinton plan, technology development will languish and many companies will soon pull out of the business altogether. Ironically, the technologies that would be pursued under the Defend America Act are the same ones that the administration is also developing. The main difference is that the Defend America Act would require us to get serious rather than sitting on our hands as we have been doing for the last 3 years.

The best way to ensure that we deploy a modern and operationally effective national missile defense system is to get an initial system fielded quickly, then upgrade and build upon this first piece as necessary. Contrary to what the President and his nay-saying supporters assert, readiness to respond to a threat does not come by keeping technology bottled up in a laboratory. Anyone familiar with manufacturing and technology development will confirm that the way to improve the state-of-the-art is to get started, gain operational knowledge, and then build on this experience in an incremental manner. This is the cost-effective, low-risk approach advocated in the Defend America Act.

Perhaps the most telling argument made by the opponents of the Defend

America Act is the assertion that it would threaten arms control. In fact, the only thing it threatens is the status quo with respect to the ABM Treaty. The Defend America Act does call on the President to seek amendments to the ABM Treaty, which most opponents do not want to see happen. But, since it is awkward for them to be seen as more interested in defending an outdated treaty than the American people, other excuses have to be found. Hence the argument that START II might be jeopardized.

But there is no reason why the Defend America Act should in any way jeopardize START II or United States-Russian relations. Russia already has an operational national missile defense system, so obviously they cannot believe that such a deployment is destabilizing. More important, during past negotiations, Russia has demonstrated a clear willingness to amend the ABM Treaty. Unfortunately, the Clinton administration is only interested in making the ABM Treaty more restrictive rather than finding a way to loosen its grip on our missile defense programs. The fact that the United States and Russia were on the verge of agreeing to amend the ABM Treaty at the same time as START I was being concluded clearly illustrates that keeping the ABM Treaty in its current form is not a prerequisite for concluding strategic arms control agreements. We should remember that it was the Clinton administration and not the Russian Federation that ended the negotiations to expand our rights to deploy national missile defense.

Mr. President, as I have said many times before, the Defend America Act is a balanced and responsible piece of legislation. I am very disappointed that the President is seeking to prevent the Senate from voting on this important bill. If he is opposed to it, it is his right to veto it. But the American people deserve to know the President's position. In my view, procedural maneuvers and misleading arguments will not cloak those who seek to keep America defenseless.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

Mr. THURMOND. Mr. President, I am going to yield to the able Senator from Arizona [Mr. KYL] at this time.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from South Carolina, the chairman of the Armed Services Committee, for yielding but also for his leadership in this area.

I think two of the people who we have most to thank for bringing this matter to the attention of the Senate are our majority leader, BOB DOLE, and the chairman of the Senate Armed Services Committee, Senator THURMOND. It is Senator DOLE who wanted to ensure that before he left this body we had an opportunity to vote on and pass the Defend America Act. I agree with Senator THURMOND that our Senate colleagues ought to ensure that we

have an opportunity to vote on this important measure by ensuring that we vote for cloture tomorrow when we have that vote. So I appreciate Senator THURMOND's leadership on this matter.

Mr. President, before I proceed, I ask unanimous consent that Dan Ciechnowski, who is a fellow in my office, be allowed floor privileges during the pendency of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me begin by discussing some of the details of this legislation because I think when our colleagues focus on precisely what it says, it is awfully hard to disagree with any of it. And in fact I cannot imagine that anyone would vote against the Defend America Act of 1996 except for purely political reasons. That would be most unfortunate because there is nothing more important than the Senate and the House and the President have as our responsibility than defending America. That is the first obligation of the U.S. Government. And to continue to allow the situation which currently exists, which is that the United States is totally vulnerable to a missile attack by any enemy in the future, is intolerable. We need to get about the business of ensuring that we can solve this problem, that we can deploy an effective system for defending against ballistic missiles, and the way to do that is to pass the Defend America Act. It is the necessary first step in this effort.

Let me begin by noting the provisions of the act itself. And if anyone wants to disagree with any of these provisions, I invite them here to the floor to engage in that debate. I do not think anyone can logically disagree with the provisions of this act.

Mr. President, people will disagree with other things. They will make up an argument about what we are really intending to achieve here, and they will argue against that. It is called red herrings. Or they will set up straw men which they will attempt to knock over. They will assert that we are trying to reestablish the Reagan administration's space shield to prevent a nuclear attack by the then Soviet Union. That is not what this is all about. They will argue about star wars. They will argue about \$60 billion expenditures. None of that is what we are talking about here.

So I am going to focus specifically on what this act says, and I would ask those who come to argue against it to confine their remarks to this act, not some perceived or imaginary piece of legislation that they may wish to defeat but rather that which is before us right now.

It is called, as I said, the Defend America Act of 1996. Majority leader BOB DOLE is the sponsor. I can think of no more fitting tribute to BOB DOLE than for his Senate colleagues to allow us to vote on this important matter. They can then vote their consciences on whether they want to defend America or not but give the majority leader

the right to vote on this important proposition.

I guarantee you that if we do not have that right, Republican candidate BOB DOLE is going to be talking to the American people throughout the length and the breadth of this country to remind them that today the United States has no ability to defend against a ballistic missile attack by another country.

Mr. President, that does not have to come to China and Russia, the two countries that today have the capability of launching intercontinental ballistic missiles against the United States. It can come in the form of an accidental launch from one of those countries or another country. It can come in the form of a limited attack either against our troops stationed abroad, against our allies, or against parts of the United States that are within reach today or soon will be within the reach of ballistic missiles of other nations like North Korea, for example.

It is interesting just parenthetically that one of the studies which said there was no threat to the United States in the near term, that is, before the end of the century, relied upon the notion that the definition of United States was the lower 48 States. Well, as I recall, Alaska and Hawaii have been States for some time now and the citizens of those States would be a bit surprised to learn that colleagues in the Senate do not think it important to defend that because they are not part of the lower 48.

Mr. President, every veteran of World War II knows how the war in the Pacific started. It was an attack on Pearl Harbor in Hawaii, not even then a State but obviously part of the United States in terms of our defense at risk, and we went to war over that. To suggest that because there is not a threat to the lower 48 States today, we should not begin to prepare against the contingency when that threat will exist or to prepare to defend other Americans who do not live in the lower 48 States is irresponsible, and therefore I would urge my colleagues, as I said, to allow us to at least vote on this Defend America Act.

Here are the findings in the act. First, that the United States has the technical capability to develop and deploy a national missile defense system.

There is no disagreement about this. There is disagreement about exactly which system to deploy. The administration has its favorites. Others have their favorites. But there is no disagreement about the fact that the technology is here.

Second, the threat posed to the United States by the proliferation of ballistic missiles is growing. The trend is toward longer-range missiles including those with intercontinental reach.

Again, intelligence estimates make this point clear, and the President himself has declared an emergency based upon this threat of proliferation.

Third, there are ways for determined countries to acquire intercontinental ballistic missiles by means other than indigenous development.

Of course, that is true, and it is an important point to make because it is not the threat that a country beginning today will after a period of years figure out how to build one of these weapons, but it is also the case that countries around the world are trying very hard to buy components and even completed systems from other countries. This is why the sale by either Russia or China of part or whole of a missile system or a weapon of mass destruction is so disconcerting because countries do not have to develop them indigenously; they can buy them or buy the key components from other countries, and that is why the threat will occur sooner rather than later.

Fourth, the deployment by the United States of an NMDs, National Missile Defense System, will help to deter countries from seeking long-range missiles.

That, too, should be obvious. It is clear that to the extent we have a defense against such weapons, it does not make sense for another country to expend a lot of resources to develop those kinds of systems. It is very much one of the reasons why the Soviet Union collapsed and why the Soviet Union decided at a certain point that it would not be able to defeat the United States militarily, notwithstanding its very strong intercontinental ballistic missile system, because Ronald Reagan was preparing to develop and eventually deploy the Strategic Defense Initiative, a system which would have been able to thwart such attack—not defeat it completely but to preclude it from succeeding completely and therefore allowing the United States the opportunity to respond with our own offensive deterrent capability. And that potential for development of SDI, as it was then called, was enough to cause the Russians to throw in the towel with respect to that matter. And it was one of the reasons why the Soviet Union eventually collapsed.

And that is not just me talking. There are several Russians who were in power at the time who confirmed the fact. The same thing is true of much less powerful and less wealthy nations than the Soviet Union of old, talking about countries like Iraq, Iran, North Korea, Libya, countries that may well desire to develop these weapons today knowing that we have no defense against them but if we had such a defense would perhaps turn their attentions elsewhere.

The next point of the bill is that the danger of an accidental missile launch has not disappeared and deployment of an NMD system will reduce concerns about this threat. That should be obvious and require no further explanation.

Next. Deployment of an NMD system can enhance stability in the post-cold-war era. The United States and Russia

should welcome the opportunity to reduce reliance on threats of nuclear retaliation as the sole basis of stability.

This should be obvious, Mr. President, but it is interesting, and even paradoxical, I would say, that there are still some people in the Government and perhaps even here in the Congress who believe we are more stable in an unstable environment than we are in a stable environment.

That may sound counterintuitive, but there used to be an argument that if we were very vulnerable to an attack and if our opponent at that time, the Soviet Union, was also very vulnerable to an attack, that neither one of us would dare to attack each other. It was called "mutual assured destruction." If they would attack us, then we would attack them, and we would both destroy each other. Some people believe that was one of the factors that precluded either country from attacking the other during the cold war, and it may have had some impact.

But that is no longer the situation we face today, Mr. President. There is no longer a Soviet Union threatening to destroy the United States, and certainly we have no pretensions in that regard. There is a Russia with a lot of nuclear weapons, some of which could, by mistake, be launched against the United States; some of which could, by mistake, find their way to the hands of people who are not very friendly to us. Certainly the Chinese are developing weapons that they do not have a need to develop.

But the real threat today is from countries arrayed around the world that would do us harm, that have foreign policy interests inimical to ours, and that would use these weapons as threats. They are weaker countries than ours. We do not have to worry about them attacking us with these missiles in order to defeat us militarily. That is not the point. The concern is they would use these missiles in order to thwart us from achieving our foreign policy goals.

For example, we know 5 years ago during the time of the gulf war, the vote in Congress to try to kick Saddam Hussein out of Kuwait was a very close vote in both the House and the Senate. Among the concerns people had was the threat of loss of life to the U.S. military in trying to repel Saddam Hussein. If we had known at that time that Saddam had a nuclear weapon capability and the missiles to deliver those weapons—not just to the United States but, let us say, to Israel, to London, to Rome, to Paris, to Cairo, wherever—would the United States Congress, knowing that, have then decided to vote to use military force to repel Saddam Hussein? I think it is a very close question, and I am not certain what the answer would have been.

Put it another way. Would the European allies who joined what was then called the "grand coalition of nations" to defeat Saddam Hussein, knowing he had weapons that could reach their

capital cities, would they have been as willing to come to the aid of Kuwait in that instance? I think the answer is obvious.

The point is that countries who would use these weapons today would use them, not in an all-out attack on the United States—nobody is suggesting that—but as a means, in effect, of blackmailing the United States. The most recent expression of this was a Chinese leader who said, with respect to the desire of the United States to come to the aid of Taiwan, "You better think twice about this, because we really do not think that Taiwan is as important to you as the lives of the people in Los Angeles." Would the United States be willing to go to war to protect Taiwan if it knew that China would launch a missile against the people of Los Angeles?

Well, it causes you to think. Any President of the United States would have to think very, very carefully about asking the Congress for authority to use force in a situation that did not directly involve the United States if the force that we were attempting to take action against, or might take action against, if that country had a nuclear weapon or a chemical or biological weapon that could be delivered to a United States city or to the city of an ally in Europe or some other place in the world. That is the threat that currently exists and that will exist in the near term before those missiles have the capability of hitting the United States.

And, yes, Alaska and Hawaii are a part of the United States. The North Korean missile will be able to hit those States before it will be able to hit, I suppose, California or Arizona or Idaho. But that is still part of the United States, and therefore the threat is sooner and closer, not farther away.

In any event, I think it is fairly clear that both the United States and Russia should welcome the opportunity to reduce the reliance on threats of nuclear retaliation as the sole basis of stability, because it is not realistic to expect that the United States would obliterate the people of Iraq, for example, with nuclear weapons if Saddam were to engage in some other act of aggression in the Middle East today. It is just not realistic to expect that the United States would do that.

Finally, the authors of the ABM Treaty envisioned the need to change the treaty as circumstances changed, and they provide the mechanisms to do so in the treaty. We note that in the findings of the Defend America Act. Then we say the United States and Russia previously considered such changes and should do so again.

As we note later on in the act, it may be necessary for us to approach the Russians to discuss questions of amending the ABM Treaty so that both of our nations will be free of the constraints currently imposed by that treaty that do not permit us to defend ourselves against missile attack, or at least adequately defend ourselves.

Next we come to the National Missile Defense Policy. There are two specific policy goals stated in the act. The first is the deployment by the end of the year 2003—that is 8 years from now—of an NMD system—

... capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and

(2) [which] will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.

The second goal or policy is:

... cooperative transition to a regime that does not feature an offensive-only form of deterrence as the basis for strategic stability.

Let me take them in reverse order. The second is one I already discussed, cooperatively transitioning to a situation in which the powers of the world are not engaged in threats against each other as the method by which to deter an attack against them; the idea that if you attack us, we will attack you. There ought to be a more humane and logical way of keeping peace in the world, and that is to have the capability of defending ourselves as the best way of deterring an attack.

That is so for an additional reason that should be obvious, but I will simply note it quickly. There are a lot of regimes in the world today that do not have the stability and the interest in peace that the United States and the Soviet Union had during the cold war. As belligerent as we believed the Soviet Union was, we recognized that it was led by rational people who understood the enormous power of nuclear weapons and the devastation and the tragedy that could be loosed on the world if they were ever to pull the trigger of those weapons. That is why they were not used.

That same cannot be said for some of the leaders today. There are people in the world today, leaders who have already said that, if they had the ballistic missile capability, they would use it against the United States. Mu'ammar Qadhafi of Libya is one such person who has said precisely that. I think there is no doubt that countries led by the current leaders of Iraq, Iran, and perhaps other nations—North Korea is certainly not a stable nation today either and other countries could evolve in the future—do not have the same degree of stability that the United States and the Soviet Union had in the past. To rely upon the idea of deterrence without defense, given these kinds of regimes loose in the world today, is clearly not in the best interests of the people of the United States.

Let me get to the first of the policy goals, because there is some disagreement about this goal. It has really three components to it. First of all, deployment by the end of the year 2003 of an NMD system. Opponents say 2003 is too specific, it is too soon, we really need more time. If we had more time we could develop an even better system.

Mr. President, I am guilty of that same kind of logic when it comes to buying computers. There is going to be a better computer 6 months from now and a year from now. If we maintain that point of view, of course, we would never buy a computer. I know the same thing is true about cars. It is true about virtually everything in our technology area today. But when it comes to defending ourselves against ballistic missile attack, when the threat is here and now and certainly will be before us by the year 2003, I do not think it makes sense to say let us wait a little longer because better technology will come along in the future.

Sure it will. That is why we say in the act that we should deploy a system by the year 2003 with the capability of adding additional layers and technology as time goes on and as threats evolve. That is precisely why we say let us start now with something that is relatively simple and have the capability of making it more robust as the threats further clarify and emerge and as we have the capability of doing so.

What is the capability that people argue about? We say deployment by the end of 2003 of an NMD system capable of providing a highly effective defense of U.S. territory. Any argument about that, providing a highly effective defense of U.S. territory?

... against limited, unauthorized or accidental ballistic missile attacks;

Is there any reason why we should not provide defense against those three things? Are they all three legitimate threats? Yes, any intelligence source will identify "limited, unauthorized or accidental ballistic missile attacks" threats in the near term.

The third principle is:

... and will be augmented over time to provide a layered defense as larger and more sophisticated threats emerge.

Precisely as I said before: The goal is to employ what we can at the time a limited threat is before us, to be able to meet that threat and then build on that system as our capabilities increase and as threats might later emerge. Those are the two policy goals in the bill.

What do we call for in terms of architecture? There has been a lot of criticism of the bill on the ground it is going to cost too much. That is literally untrue, because the bill does not identify a particular system. It is like going to a broker, as Majority Leader BOB DOLE has said, I go to a real estate broker and say, "I would like to buy a house." The broker says, "I can get you one for \$40,000 or I can get you one for \$4 million. Which do you want?"

Obviously, there is a big range between \$40,000 and \$4 million in houses, just as there is a big range in the kind of thing we could buy here to defend ourselves, and it certainly depends on the kind of threat we see emerging, the degree of our technology we want to put in place at any given time and a variety of other factors.

What we said is the President should decide. So if the President and his sup-

porters claim it is going to cost too much, it is because they choose a system that is going to cost too much, because the bill allows the President to decide which system to buy and which system to deploy.

You cannot have it both ways, Mr. President. You cannot say you want the ability to decide which system and then also say that it is going to cost too much. If it costs too much, it is only because you bought one that costs too much.

But the reality is, we are all pretty much agreed on what we need, and it is not too expensive. My guess is it will be less than \$2 billion a year for the next 10 years out of a defense budget of \$265 billion each year. That is not too much to pay to protect the American people from attack.

In any event, what we call for here is components which would be developed for deployment and would include the following things:

(1) An interceptor system that optimizes defensive coverage of the United States . . .

Obviously, you want to optimize coverage. A single ground site would not optimize coverage. That is all that is allowed by the ABM Treaty, and that is why we have to deal with the ABM Treaty later on. We say it can be either ground based, sea based or space based, or any combination of these basing modes.

Typically, the criticism of the Missile Defense Act is we are talking about star wars, a massive shield of space-based satellites that would protect the United States from any conceivable attack. That is what was contemplated back during the cold war when the threat from the Soviet Union required us to develop that degree of protection. That is no longer necessary. Nobody is talking about that, and that is why we say either ground based, sea based or space based, or any combination of these.

Probably what would be developed first is a sea-based system or a ground-based system, and then later they would be integrated. The only components in space, at least to begin with, is the satellite that detects the launch. We already have that, and everyone agrees that we need to have a satellite in space that can detect a launch, wherever it might occur, and communicate the information about that launch to the system, whichever it is, sea-based or ground-based.

Obviously, we need fixed-based ground radars. If we have a sea-based system, we also need radars on our Aegis cruisers. We already have them, so that is a zero-cost investment. We have 40-plus Aegis cruisers and destroyers out there with this radar already on there, and fixed ground-based radars already exist.

We need space based, including a space and missile tracking system. This is a satellite that would be able to detect a launch and communicate that information as it tracks the adversary's missile through space.

Finally, battle management, command, control, and communications. Everybody understands the need for that.

Those are the components. Nothing new there, nothing wild, nothing exorbitant, no space shield, as some people have suggested.

Section 5 of the bill talks about implementation of the National Missile Defense System and specifies certain actions that the Secretary of Defense must take in implementing the NMD policy. This is an area where there is some disagreement, because we say specifically the President should initiate actions necessary to meet the deployment goal. That includes conducting by the end of 1998 an integrated systems test. This is one of the milestones, one of the mileposts, along with actually deploying a system that would need to be achieved in order to achieve the deployment by the year 2003.

We talk about using streamlined acquisition procedures. I do not know who can disagree with that. That will certainly save money and time.

Finally, we talk about developing a follow-on NMD program. Some opponents find this, and say, "Aha, we finally discovered the problem with your Defend America Act, because you require a follow-on NMD program."

All that means is we are not going to freeze everything in place and forget about the development of future threats. We are going to provide for the technology to meet those threats as they evolve. That is all that means.

Section 6 of the bill requires a report on the plan for NMD development and deployment. It requires the Secretary of Defense to submit a report to Congress by March 15, 1997, which addresses the following matters:

First, the Secretary's plan for implementing the NMD policy, including a description and discussion of the NMD architecture selected. That should not be any problem.

Second, the Secretary's estimate of the cost associated with the NMD. Tell us how much the system you choose is going to cost.

Third, an analysis of follow-on options. We need that to evaluate properly what we are going to have to spend and develop in the future.

Finally, a point at which NMD development would conflict with the ABM Treaty. This is very important, because some people rightly say there is a point beyond which the United States could be in violation of the ABM Treaty if we deploy a system that is capable of defending us.

That is true. Unfortunately, the irony is the only kind of system that is permitted under the treaty today probably would not defend the entire United States, at least very effectively, at least against much of a threat. That is why most everyone agrees we need more than a single site, land-based system. To do that, we have to reopen the ABM Treaty, and that gets us into section 7, policy regarding the ABM Treaty.

Let me back up. The bill itself notes there is already in the ABM Treaty a policy established for amending and otherwise dealing with changes to the treaty. They include the following:

We would urge the President to pursue high-level discussions with Russia to amend the ABM Treaty. The ABM Treaty allows for its amendment.

Second, any amendment must be submitted for advice and consent to the Senate. Everyone knows that.

Third, the bill calls for the President and the Congress to withdraw from the treaty if amendments are not produced within 1 year. That, too, is called for in the ABM Treaty. If it is in the interest of the United States to withdraw from the treaty because we have not been able to amend it to our satisfaction, then we have that right under the treaty.

What the bill calls for is a longer period of time, 1 year, than the treaty itself calls for, 6 months. So, Mr. President, I do not see how anyone could object to the language in the Defense America Act that says we tried to amend the treaty, if we need to, and if we cannot, then after a year withdraw from it. Frankly, I would be in favor withdrawing earlier than a year, but we provide that much leeway to the President of the United States.

I have now described the act, Mr. President. What is there to disagree with here? The only thing, as I said, I think a reasonable person could disagree with is the specifying of the year 2003 for the actual deployment of a system, and on that reasonable people could differ.

Should it be 2003? Should it be the year 2000? Should it be the year 2005? Or should it be a flexible date? Reasonable people can differ about that.

As to everything else in here, I fail to see how any reasonable person interested in the defense of the United States could find disagreement with the words of this act. I really challenge my colleagues to come down here and point out what they would disagree with except for this date of 2003.

Let me address that again just a little bit. As I said before, one of the arguments is if we lock that date in we will be locking in technology. That is true with any system that we ever have purchased on defense. But sometimes threats are upon us and we have to go with what we have.

We have been working on missile defense for a long time. In fact, one of the criticisms of the missile defense program is we have been spending \$30 billion on this for well over a decade. That is true. And critics say we do not have anything to show for it. That is not true. We have a lot to show for it.

We have a lot of technology that is just ready to be developed and deployed if somebody will just let us do it. That is what this act finally says: You have been critical of us for spending the money and not developing or deploying it. All right. Agree with us that we are going to get on with the job.

The only way to do that is to specify a date, because if we do not, Mr. President, we will continue to go on and on and on and on without ever deploying, always saying, "Well, there's something just right around the corner that is even better." It is a Catch-22 for those of us who support missile defense. We say, "OK, we'll wait for something better." And our critics say, "You haven't deployed any, and you've gone at it for 15 years and spent \$30 billion."

Mr. President, my point is, let us set a date, take the technology we have in hand, which is very good, and plenty good to defeat the kind of missile technology that would be used against us in the foreseeable future, and deploy a system that we know we can deploy. We have done this with weapons systems that we have acquired throughout the last several decades.

Many of the systems we have acquired have the built-in capability of being upgraded to more robust or sophisticated systems as time goes on. That is precisely what we call for in the Missile Defense Act. Let us start with what we can build by the year 2003, and, as we say, as technology improves and the threat evolves, we will have follow-on systems.

Some opponents of the act have objected to the act because it allows us to do that or calls upon the Congress and the President to do that. But it clearly is nothing more than good sense. And it is really the same argument that opponents have used against us saying, well, there will be better technology later on. That is right. So let us make sure the system we deploy has the capability of taking advantage of that technology as we develop it.

Mr. President, there is another advantage to actually getting a deadline in the statute. It focuses the planning efforts. It breeds efficiency because it gives the defense planners a specific time line for developing and for doing the research, for doing the testing and then for acquiring, actually bending the metal, as they say, for acquiring the systems and for getting them deployed.

If you do not have a specific deadline, you never have this kind of efficiency, you never have the certainty of the schedule that is required for the researchers and the contractors to get along with the job, let alone the procurement officers in the Department of Defense. So you need a deadline. We have this with every other weapons system that we procure. We have specific dates, specific time lines and we achieve our goal by developing those time lines with a certainty at the end. If you do not have a specific date, you are never going to get there, at least not in any efficient way.

Finally, I argue that specifying a date for development, and selecting the date of 2003, is probably the best way for us to prevent the development and deployment of ballistic missiles by these rogue nations that we fear, na-

tions that cannot ever defeat us militarily, but certainly nations who can thwart our conduct of foreign policy and can do us great harm and do harm to our allies and forces deployed abroad.

If we actually make it clear that we are committed to deploying a system, let us say by the year 2003, then I think that nations that are not very wealthy and that have a hard time acquiring the components or the completed systems will perhaps turn their attention to other methods for trying to throw their weight around. But as long as they know that nobody in the world is committed to deploying a system by any particular time, there is no reason for them not to proceed with their plans to buy the missiles or to develop the missiles and to develop the warheads that go on them, whether they be nuclear, biological, or chemical. And that is why we want to specify this date of 2003.

There has been recently an argument about the cost. And it is too bad that this argument had to come at the time that it did because it is a totally bogus argument, yet I know some of our opponents will use it against us. It is the Congressional Budget Office analysis of the cost of such a system.

But if you read the analysis carefully, rather than just spouting the rhetoric of those who oppose a ballistic missile defense system, if you read the analysis carefully, you realize that CBO did not say that the system would cost somewhere between \$40 and \$60 billion or \$14 and \$40 billion or whatever the figures people like to throw around. What the CBO said was, well, it all depends on what you buy. If you buy everything that has ever been talked about, something that nobody is proposing, you could even spend up to \$60 billion. My guess is you could spend more than that if you really wanted to buy everything that anybody had ever talked about.

But the cold war is over. We are not talking about that anymore. I read you the Missile Defense Act. We are not suggesting a space shield, so we are not talking about the system that could cost that kind of money.

Instead, what the CBO said with respect to what we are really talking about is this. I want to quote from the CBO analysis. We are talking about an initial defense. I will quote.

This initial defense would cost \$14 billion, about \$8.5 billion for the ground-based system and \$5 billion for the SMTS space-based sensors. The ground-based system could cost roughly \$4 billion less if the Air Force's proposal for a Minuteman-based system was adopted.

They should have said "were adopted." Then they go on to discuss other kinds of options.

The point is, that it all depends which house you choose to buy, as the majority leader analogized here. Do you want to buy the \$40,000 house, the \$80,000 house, the \$150,000 house? Do you want to buy five houses at \$4 million each?

What the CBO said was, well, if you bought everybody's idea of a neat house, it would cost a lot of money, might cost \$60 billion. We are not talking about that. Let us not have any rhetoric from the opponents of this bill that it could cost up to \$60 billion. CBO itself says what we are talking about would cost \$14 billion. Mr. President, actually the administration has said that it would be less than that. The Secretary of Defense has said the system that they like would cost \$5 billion.

I do not know whether it is \$5 billion or \$14 billion or something in between. In fact, they note it actually could be \$4 billion less if the Minuteman-based system was adopted. That would be \$10 billion. I do not know which of these figures is correct. But we are talking about deploying a system over the next 8 years or so.

If you divide \$10 billion into 8 years, that is a little over \$1 billion a year. That is hardly something that we cannot afford in the \$265 billion defense budget when we are talking about protecting the lives of Americans and conducting our foreign policy without being blackmailed by these tinhorn dictators around the world.

So I think with respect to cost we should understand that we are talking about a system that is probably in the neighborhood of \$5 to \$10 billion, maybe \$14 billion, maybe \$20 billion at the most to do it the right way, but \$14 billion according to the CBO's suggestion of an initial deployment.

I also note that CBO, in its estimates, apparently included O&M costs, operations and maintenance costs for a period of 10 years in some of their estimates. That is not ordinarily used to calculate the cost of acquiring any weapon systems. You understand both the acquisition cost and you understand the cost of acquiring it and operating it for 10 years; but ordinarily you do not describe as the acquisition cost the additional costs of O&M for another 10 years, which is what apparently CBO did. So one better be very careful about throwing these numbers of the CBO estimate around, Mr. President. They do not support the argument that this is too expensive.

Anybody that wants to make that argument is going to have to answer to the American people the first time that Americans are killed because somebody has launched a missile against them, and answer the question what price their lives were worth.

As a matter of fact, let us just stop and think for a moment, Mr. President. It was only 5 years ago that 28 Americans were killed by a ballistic missile launched by Saddam Hussein during the Persian Gulf war. The largest number of Americans killed in a single attack, 28 Americans died because we could not defend against a ballistic missile.

That was in a theater that was far away. That was in a war that we were fighting. But let us move it just a little

bit further out. We could not protect our own military. We could not protect the people of Israel who took scud hit after scud hit because the Patriots could not knock them down. In the future we are not going to protect the people in Rome or London or Paris or Moscow or Anchorage or Honolulu or in South Korea or Japan or any number of places around the world that we will want to defend and will not have the capability of defending. Now, what price are those lives worth?

Let me proceed just a little bit more with respect to the cost item, since I am informed Senator NUNN will be here in about 15 minutes and he will have some comments to make on this act. I will proceed to discuss some of the arguments that have been raised against it that I was going to refer to later.

One of the arguments is that the language in the bill that discusses the ABM Treaty is really tantamount to an anticipatory breach of the treaty. This concerns some people greatly because they also believe if we proceed to defend ourselves, people in Russia will begin acting very irresponsibly with respect to START I and START II, and they may not even ratify START II. It has been predicted they will begin violating the START I treaty that both countries are already bound by.

Mr. President, I have two basic things to say about this. First, this kind of argument is reminiscent of the cold war. It was the argument between those who wanted appeasement on the one hand and those who believed in peace through strength on the other hand. Appeasement was no stranger at the time of the cold war, but I thought everyone learned the lesson of Munich. Neville Chamberlain, who believed in his heart he had won peace in our time after he came back from Munich, we now know that the concessions that were made by the allies at that time to Adolf Hitler, the appeasement of Hitler was what created the appetite for him to take even more and finally go beyond the point that the allies could endure. That is how World War II began.

There were then those in the cold war era who felt if we just gave the Soviets what they wanted, if we appeased them, everything would be right. What we found, every act of appeasement led to another act of aggression, and it was only when we began to confront aggression with strength, with resolve, with courage, with willpower, with defense, that the aggressor said, "OK, we did not really want that after all."

Finally, through the development of our defense forces in the early 1980's, the focus on developing a defense against ballistic missiles, the resolve demonstrated through President Reagan's famous peace through strength, our adversary realized it could not defeat us militarily. President Gorbachev, to his credit, knew he could not defeat us economically, that the political system they developed, combined with the economics of that system, were insufficient to sustain the kind of

effort that would be needed to bury us, as Khrushchev said.

That is why the Soviet Union fell. Appeasement never worked. Strength did. The argument that if we do not do what the Russians want, everything will be bad, goes back to that old idea, that old philosophy of appeasement. It has been said if we even talk about amending the ABM Treaty, the Russians will violate START I, they will not destroy all the missiles they promised to destroy, that the Russian Duma will not ratify START II.

We will take each of those things. First of all, the United States has already suggested the possibility of amending the ABM Treaty to the Russians, and we had conversations with them about it. They did not walk away and say, "This is absolutely nuts. We will never do that." This was done during the Bush administration.

Second, there are ongoing discussions today about changes to the meaning of the ABM Treaty as circumstances have changed. In fact, there are ongoing discussions in Geneva and elsewhere about the exact definition of strategic missiles that can be defended against under the ABM Treaty. It is not as if this thing was written in stone, never to be changed or even considered for modification. The cold war is over. Circumstances have changed. It is going to have to be changed, if not scrapped altogether, as threats and circumstances change. That is only right. Only those who do not understand the cold war is over would argue the ABM Treaty should never be changed.

The next point, that the Russians actually will violate the START I Treaty if we talk about changing the ABM Treaty, Mr. President, the Russians have, in fact, already violated several treaties. They do not need us to talk about amending the ABM Treaty to do that. I think we need to separate the two. There is no direct linkage, and there should not be.

The point is, the Russians will do what they think is in their best interest. If the United States makes it clear to the Russians it is in their best interest to continue to comply with START I and to talk to us about making changes in the ABM Treaty, they will do that. As a responsible country, I believe that Russia will be responsible in pursuing that course of action with us. If the Russians decide not to ratify the START II Treaty because they do not think it is in their national interest, there is nothing we can do to stop them from that.

I do not think by stopping any discussion of defending ourselves against ballistic missile attack it will make one bit of difference. I could quote numerous Russians who made the statement the reason that the Duma would not proceed to ratify START II does not have anything to do with the START II Treaty but has to do with what they perceive the costs to be and what they perceive their national interests to be. Therefore, I think it is

foolish for us to believe we have that much control over what the Russian Duma does, that if we begin talking about changing the ABM Treaty, it will cause them to change their plans. I do not think that is correct. In any event, if it were, what that would argue for is the United States could never do anything in our national interest to protect our citizens because it might cause some irresponsible Russians to act in a way inimical both to their interests and ours. I do not think that is logical.

In addition to this, Mr. President, it is not as if we are breaching the ABM Treaty. As I noted, the ABM Treaty allows for amendment. It is like the Constitution. We all say we should be very careful about amending the Constitution. It is a pretty sacred document, true. But we have amended it because it has within it the means of amending it. Our Founding Fathers knew it was not a perfect document for all time, that we might want to make changes to it. Who were the first group to make changes? Our Founding Fathers. They adopted the Bill of Rights.

The ABM Treaty, which has existed now for over 20 years, I daresay is not as sacrosanct as the U.S. Constitution. It could be amended, and therefore it provides within its terms for amendment as time goes on.

Many would argue that actually the treaty no longer exists because the country with whom it was negotiated no longer exists; namely, the Union of Soviet Socialist Republics, the U.S.S.R., no longer is. Some say Russia acceded to interests. That may or may not be under international law. But it is a change, an amendment, to reflect changed circumstances. You cannot deny that.

In addition to that, in addition to allowing for amendment, the treaty allows for withdrawal if it is in the United States' interest. All we have to do under the treaty is give notice that 6 months later we will withdraw, and we can walk away from the treaty. That is what the treaty itself provides for.

Why would people be critical of the Defend America Act, which specifically says, in order not to cause a violation of the ABM Treaty, we should begin discussion with the Russians now, telling them of our desire to develop a ballistic missile defense, of the fact that there may be circumstances under which it would run counter to the terms of the ABM Treaty, and therefore suggesting we sit down and talk with the Russians about ways to modify the treaty to accommodate the kind of defenses both of our countries are going to need in the future. What is wrong with that? That is not an anticipatory breach. That is not saying we will violate the law sometime in the future and have a cause of action against us today. That is a real, genuine effort on our part to be totally up-front and say we will have to make some changes sooner or later, probably, so will you not sit down with us and talk about what the changes might be.

If, for some reason, the Russians absolutely will not talk to us, the act says that the President still has a year—not 6 months, as the treaty provides, but an entire year—within which to seek these negotiations and withdraw at the end of that year if the Russians have not been willing to talk to us, that withdrawal being based upon the provisions of the treaty itself, allowing withdrawal in the national interests of the United States.

The President of the United States, Bill Clinton, has already declared a national emergency based upon the ballistic missile threat. If there is a national emergency, then certainly the conditions exist under which we could withdraw from the treaty if we desire to. No one is suggesting that at this point. My point is, simply, that it is not an anticipatory breach for us to pass this law. Anyone who argues to the contrary, really seriously, Mr. President, has not read the language of the Defend America Act. It does not call for anticipatory breach.

I have already dealt with the argument that this is just a straw horse from the Reagan era of the star wars system. That is not what we are talking about. I had to read the language of the act to make the point. I do not doubt there will be some who have not bothered to read it and who will come here and talk of star wars and space shield and the rest. Remember what I said, Mr. President, they are simply setting up a straw man to knock down. It is not what we are talking about here.

There has been some question about the threat and when the threat will actually evolve. There is much that could be said about this, some of which I will reserve for a little bit later on. I do not think that anyone would credibly deny that by the year 2003, there is a significant probability that threats will exist beyond the acknowledged threat that exists today from either Russia or China.

Now, there is a question about when the North Koreans will actually be able to reach the continental United States and whether "continental" means the lower 48, or Alaska, or Hawaii. I really do not think it matters much. Clearly, by about the year 2003, the North Koreans will have a missile that is able to reach South Korea, Japan, the Philippines and, possibly, Alaska and Hawaii. That ought to be enough, Mr. President. For those who say, "Well, let us wait until the threat is there to develop the system," I say, at that point it will be a little too late. Until you can develop and deploy a system, you are susceptible to the blackmail that a regime like that could visit upon you.

I do not doubt that if the same leaders who control North Korea today are in power at that point, it could create great mischief if we did not have a means of defending ourselves.

With respect to that threat, many things can be said. I have to begin by saying that the year 2003 being 7 years down the road is certainly a point at

which we ought to be prepared to defend against a threat from countries like North Korea, even if we are not concerned about a threat from Russia or China today—particularly an accidental launch from one of those countries. The national intelligence estimate, which is touted by some, suggesting that the threat will not occur for 10 or 15 years does not support that proposition. It only supports the proposition that if a country started today and began to indigenously develop a weapon, that it might take that long before they could do it. As we know, that is not the way most nations acquire the weapons. They put them, for instance, from Russia, China, or North Korea. If they cannot buy a complete system, they buy components from whomever, and they put them together. The Iraqi scuds were done like that. So if you calculate the time it takes a country to buy a space-launch capability, which is just as effective as a ballistic missile war fighting capability, or components of a system to put it together, it is clear that numerous nations do not mean us any good in the world, and they could develop the systems before the year 2003.

I also make the point that the United States has a history—an unfortunate history—of turning a blind eye to reality and the facts because we are a peace-loving Nation. We do not like to assume others would do us harm, at least in a sneaky fashion. But Pearl Harbor is the best example of where intelligence pointed the way directly and specifically to a threat. If we had been more suspicious or cynical of the Japanese at that time, we would have probably understood that that was a very real threat and would have been better prepared to deal with it. But we were not. It was our own fault, in many respects.

That same thing could be said about the situation today. It will be our own fault if some nation decides to be very sneaky about the way it develops a weapon and deploys that weapon against us. Iraq, we know, was much more capable than we ever had any reason to expect 5 years ago. We now know that. We know that other countries are seeking to acquire this technology, such as North Korea, the Iranians, and so on. Yet, somehow we just try to delude ourselves into thinking that maybe everything will be all right, that we really will not have to worry about it, so let us not bother to worry about it until we are sure the threat is there.

Well, Mr. President, at that point it is too late; the horse is out of the barn. The unfortunate thing about that analogy is that it does not begin to describe the horrors that could be visited upon people if we wait until it is literally too late. I would rather be a year too early and maybe spend a little bit more money than we had to, and maybe lock in technology a little bit earlier, than

I would be to be a year too late because, frankly, at that point, no one knows what the harm would be, whether it would be an actual attack, or whether it would be simply thwarting important foreign policy goals of the Western alliance because we did not have the weapons to stop a ballistic missile attack.

As I said, Mr. President, I will defer discussion of this threat because I really do not think that reasonable opponents to the Defend America Act will argue that there is no potential threat there. They may argue that it may not be as serious by the year 2003 as I think it might be, but I do not think anybody could credibly argue that the threat is not there. We can quote the former CIA Directors. Jim Woolsey made the point very clear. I will note, Mr. President, that as recently as May 31, the Washington Times carried two stories that I thought were, frankly, very distressing. The lower story said, "Woolsey Disputes Clinton Missile Threat Assessment." He was President Clinton's first Director of the Central Intelligence Agency. This article from the Associated Press points out in numerous ways the areas in which former CIA Director Jim Woolsey believes that the Clinton administration is underestimating this missile threat in an effort not to go forward with the Ballistic Missile Defense Act.

The other headline is, "White House Misled Joint Chiefs on ABM Treaty Talks." I understand there was a letter written around May 1 by one or more of the Joint Chiefs that says, "We really do not need this Defend America Act." Mr. President, I ask unanimous consent that this newspaper article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, this makes the point that the Joint Chiefs were misled. They were basically told that the administration was not going to go forward with certain plans, that there were not changes being contemplated to the ABM Treaty that, in fact, were being contemplated, that there were not limitations being placed upon certain of our systems. And as a result, they could clearly have been lulled into the belief that we did not need the kind of Missile Defense Act we are talking about now. I suggest that if all of the information is known to all of the people concerned, we will be much more serious about going forward with a missile defense plan.

Finally with respect to this point, I note that the President himself has recently begun to talk about the need for missile defense. Some say that this is a political reaction to BOB DOLE's leadership on the issue. It may be. But I will acknowledge that the President, as well as the rest of us, is interested in defending the American people. Which ever is the case, the President has acknowledged the threat. So we are only arguing about exactly when the threat will materialize. The President's posi-

tion is that we might be able to wait a little longer and deploy a system a little after 2003 and still get by. He may be right. But my point is, is it worth the risk?

When we have the technology, we have spent the money and—as a matter of fact, if we talk about a sea-based system, we have the aegis cruisers, and they have the radars, and they already have the satellites in space which can detect a launch, and we have basically half of the standard missile on these ships. We simply have to put the second part of the missile on with the components on the tip of it to enable us to hone in and guide the missile to be intercepted. That is all we are talking about developing with respect to that system. We have proceeded significantly along with the development of the THAAD program.

No, Mr. President, the problem is that if there is a problem with deploying these systems, it is, as Senator THURMOND said earlier, that the administration, year after year after year—all 4 years—has submitted budgets where the administration has sought to reduce the amount of expenditure for missile defense, and specifically for the national missile defense. They have been willing to go forward with the tactical missile defense, to a degree, but not to the degree called for in the legislation we have passed and the President has signed. He does not want to go forward with a national missile defense.

That is perplexing. I do not understand how it is all right to help our friends, like the Israelis, defend themselves—and there has been money there in the last several years to help the Israelis build the Arrow Missile Defense System to protect their homeland and people. So I do not understand why U.S. tax dollars should be spent on that system and not on a similar system to protect the United States. I am all for the development of the Arrow. I have been to Israel and have seen the threat they live under from their neighbors that would do them harm. They understand the need for a missile defense, and we have been willing to support their national missile defense system.

Why is the President of the United States willing to spend money so that the people of Israel will not be killed in a missile attack, and he is not willing to spend money so that the people of the United States are free from missile attack? I do not understand that.

Mr. President, as I said, reasonable people can differ about whether the threat will occur in the year 2003, 2007, or in the year 2000. But you cannot argue about the fact that the threat will be there, and, in some respects, it already is.

So if we are willing to spend that money and to make that commitment to defend the people of other countries, why are we not willing to make that commitment to defend the people of the United States?

Let me make this point. When pollsters ask Americans around the coun-

try how we would defend ourselves against a missile attack, Americans answer with a variety of very innovative responses. "Well, we will shoot them down." How? "Well, we have airplanes with missiles that will shoot them down. Well, we will shoot them down with our own missiles. Well, we have lasers in space. I am not sure how, but we will shoot them down."

The fact is that we do not have any way of shooting them down. We are totally vulnerable to an attack.

Do you know what about 80 percent of the Americans who respond to these surveys say? They say that is absolutely irresponsible and we have to do something about it today to turn this situation around—today. They are shocked to know that we are vulnerable to missile attack.

I guess it is our own fault for not making the point to people that we do not have a defense. It is particularly shocking, I guess, for not correcting this deficiency given the fact that the Persian Gulf war was 5 years ago and we have let 5 years go by without making very much progress toward the development and deployment of these defenses. I would have thought that after 28 Americans were killed in one Scud attack and after Israel was attacked by Iraq that the United States would finally have committed itself to building missile defenses to protect the United States and the people of the United States. We kind of frittered away our money and time. Now we have other nations in addition to Iraq that are very aggressively and very actively developing these weapons. Yet, we do not seem to be any further down the road toward making a commitment to develop and deploy the system.

As I said, if you look at every other weapons system that we bought, let us say the F-15, or the F-16, or the carrier, the Trident submarine, you name it, the only way we have of being able to get it done is say we want to buy this weapon, we want to have it done by *x* date, therefore, we are going to appropriate the money necessary to achieve deployment by that date, and we ask the administration to come forward with a plan which lays out the specific deadlines for a specific timetable by which the tests are going to be conducted, and eventually we will get to the point of deployment. Usually it takes a little longer than we predicted, but we try to set those dates up so that we actually achieve the objective.

That is what we are asking for in this legislation by setting a specific date. We are saying, we know we will never get there if we keep moving the goalposts and if we never set an actual date for deployment, so let us set the day and let us get on with it. If we do not do that, we will never get there. That is why I say it really is a bogus argument to talk about the threat, because everyone acknowledges there is a threat. They simply argue about when

it will really surface. I submit that it is not worth playing around with that question, particularly since we know that 5 years have elapsed since Americans have been killed by a ballistic missile.

There is another subargument here that I really want to deal with very briefly, and since Senator NUNN is not here I am going to go forward. This is the argument that deterrence is sufficient and we already have the ability to retaliate against someone who launches a missile, and that ought to be enough to deter them from ever doing so.

I ask the question again. Given the fact that the United States pulled out of Iraq and did not use any kind of weapon of mass destruction against Saddam Hussein, did not even destroy his palace guard at the conclusion of that war, and given the fact that President Bush himself made the point on several occasions that we mean no harm to the Iraqi people, we only wish that the regime of Saddam Hussein would not act irresponsibly and that we would try to defeat it—given those facts, is it credible to assume that the United States in the future will use a nuclear weapon or a chemical or biological weapon on the people of a country whose leaders attack us, or who threaten to attack us, or who threaten to attack, say, the French, the British, the Israelis, or the Russians? Is that a credible deterrent? Are we going to deter Mu'ammar Qadhafi, or the leaders of Korea, or some other country? I do not think so.

I think that deterrence argument, if it did work in the cold war—there is some dispute about it—is not the kind of argument that is going to work today against countries that frankly do not think we will use the deterrent and do not care, in any event. The risk of failure on relying on deterrence is simply too great to rely on that doctrine today. It will not work against the kind of nations that mean us harm today. It is not credible.

I note the fact that Secretary Perry himself, in the Nuclear Posture Review on September 20, 1994, made the following comment, with which I totally agree.

We now have an opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety.

What he was talking about was the ability to deter aggressor nations based upon the fact that we can defend ourselves, and, therefore, there was no point in their developing the means to attack us, or initiating such an attack; that because we had the ability to defend ourselves, it would make it impossible for them to succeed, and, therefore, there would be no point in their expending the funds to do so. That is the theory of defensive deterrence, and it really is the only kind of defense that will exist against the kind of threat that we face today. When we

were arrayed against the Soviet Union, it might have been a different matter, though that is questionable. But it is certainly not the case today.

I had indicated when we talked about the START II Treaty that there were some people I would quote. Let me do that since I have the time, because this is the final argument, and that is, we are kind of playing with fire. We do not want to do anything that would disturb the Russians, and it could be that they would take actions that we would be sorry for if we did anything to anger them.

Clearly, at this point in time, only 3 weeks or so away from the Russian elections, our eyes are turned toward Russia because we understand that some very irresponsible people could be elected and lead the Russian State. That would be a real shame. None of us want to do that. All of us are hoping for the election of very responsible people to lead the Russian nation, people with whom we can work in the future and continue to work on defense matters together, because we mean no harm to them. They should know that. We wish them well, and we hope they share that feeling and, therefore, engage with us in those kind of agreements that demonstrate the desire for peaceful nations to proceed along the path of peace and eliminate the kind of weapons of mass destruction that populate the world today.

That is why we hope very much that they continue to abide by treaties like the START I Treaty and that they would ratify the START II Treaty to further bring down the number of dangerous weapons in the world. But here is what some of the Russians themselves have said with respect to the probability of their actions with respect to the ABM Treaty.

Alexi Arbatov, Deputy Chair of the Russian State Duma Defense Committee, complained that the loss of MIRV'd missile capability resulting from START II was a critical reason for them to be concerned with the START II Treaty. He stated that the Russians "cannot economically fill the gap with single warheads; it's too costly." He proposed developing a protocol that lowered START II warhead ceilings to relieve their economic difficulties with the treaty.

In other words, what he was saying was that "it is going to be awfully expensive for us to bring down our warheads to the level called for in the START II Treaty. You all may be able to afford it in the United States. We can't. So let us not bring them down quite so far."

Well, it may be that they will have a hard time doing that, but if they do not adopt the START II Treaty, it will be for reasons of economics, as he pointed out, not because the United States has suggested the need to look at an outmoded ABM Treaty which previous Russian Governments have been willing to look at themselves.

U.S. Ambassador Brooks predicted the Russians will be forced to go well

below START I levels with or without START II for economic reasons. He was actually proposing a slightly different argument related to economics. He was saying the Russians are going to have to proceed with START I and maybe even START II limits in the long run because it is so expensive to maintain them, and while in the short run our thought may have been correct, Ambassador Brooks is probably correct with respect to the long run.

It is in both of our interests in the long run to save money by not having to maintain these expensive stockpiles. It costs money to dismantle them initially. That is why people like Senator NUNN and others have been responsible for proposing U.S. assistance to enable the Russians to bring down their stockpiles. It is for economic reasons that the Russians will find it impossible to continue to maintain this high level of stockpile. It does not have anything to do with the ABM Treaty.

Neither the United States nor Russia will have the capacity to enter into another arms race, I suspect, whether or not we made modifications to the ABM Treaty.

Clearly, with respect to other nations like China, the START I and START II Treaties do not even apply here. So though some say we should not even begin to change the ABM Treaty because of the Russian response, I would counter by saying: What about the Chinese? What about other countries that are not even involved in the START I or START II Treaty?

Clearly, deploying this, or beginning to talk about amending the ABM Treaty so we deploy an effective defense system is in the national defense interest of the United States and we should not be deterred from proceeding with that step simply because there may be some who contend that the Russians will be unhappy and therefore there would be a reaction against us.

Mr. President, since I have other time, let me proceed with one final point, and then I would be happy to yield to anybody else who would like to speak.

What we are talking about here, for those who might not have been with us at the very beginning, is a very modest—very modest—first step. It is called the Defend America Act. It was brought to the Senate floor by Majority Leader BOB DOLE. It is true that he has made a political issue of this but only because the American people have been shocked to find out that the United States is undefended against a ballistic missile attack.

That is why Senate Majority Leader BOB DOLE, the Republican Presidential nominee, has said it is important for us to get on with the job of ultimately developing and deploying a system that could defend the United States, at least in a modest way, against certain kinds of limited attack. So the Defend America Act that we have before us is a very modest first step toward that end.

It is not the space shield that some people would like to talk about. It is

not a hugely expensive kind of project that CBO has said we could develop. Yes, we could, but that is not what this is. It is really a very modest attempt, and it is important for the Senate, I think, to begin this debate and, hopefully, to have a vote on this act in the relatively near future.

The House of Representatives was scheduled to take this up just before the Memorial Day recess and did not do so at that time, passing the budget instead. But I am hopeful, too, that the House of Representatives will take up the Defend America Act very soon. The important thing for the American people to know is that the Senate will not be able to vote on this act unless 60 Members of the Senate agree, because of a procedure that we have here which says that anybody can object to bringing up a bill and, if they do, it takes 60 Senators then to have a vote on it—60 Senators have to agree. That is called invoking cloture. Tomorrow afternoon at 2:15, we are going to have a vote to invoke cloture, that is to say, to stop this debate that has been going on and to have a vote on proceeding with a vote on the bill. There will still be an opportunity to further debate the bill after that, but then we would have a vote before the end of the week on the Defend America Act.

This will be the last chance that Majority Leader BOB DOLE has to bring this act up during his time in the Senate. I think it is important even for those people who do not necessarily agree with the Defend America Act, who for some reason want to support the President of the United States in his opposition to it. Maybe for political reasons they want to vote against it because it would hurt BOB DOLE and help Bill Clinton. I can understand all of those things even though I think it would be irrational to vote against it for purely political reasons. But whatever reasons my colleagues might have for ultimately voting against it, I find it hard to understand why any of them would oppose having a vote on it.

What are they afraid of? Mr. President, what are they afraid of? Why would Members of this body—and specifically now I am talking about Democrats, since I believe all the Republicans will support the cloture vote, will support taking a vote on the Defend America Act. Not all Republicans probably will vote for it in the end, although most will. But why would Democrats almost to a person oppose even taking a vote on this bill? Why? I can think of only one reason, and it is not a pleasant thought. That one reason is politics.

I read the Defend America Act. There is nothing in there that every one of us does not believe, with the possible exception of the actual deployment by the year 2003. I have discussed the reasons why I think 2003 is a good date. Now, others may disagree. They have the right to express that disagreement by voting against the bill. Even though they may agree with everything else in

it, they might not like that, so they want to vote against it. They have the right to vote against it. We would still be debating for another day or day and a half after we invoke cloture, so by the end of this week we could have a vote on this bill.

Now, why would colleagues not even let us vote on the bill? Why would they say: No; BOB DOLE, you cannot have a vote? Is it because they do not want Americans to be free from ballistic missile attack? I do not think so. I do not think there is a person here who believes that.

I can only think of one reason, Mr. President, and that is to deny BOB DOLE the right to have a vote on his bill. Now, I urge my colleagues, Republicans and Democrats alike, who have stood in this Chamber and who have stood in receptions and dinners and other fora to laud BOB DOLE and pay tribute to him for the long service that he has given to our country, most recently in the Senate, but before that in the House and, of course, serving in our military, I appeal to all of my colleagues who have genuinely expressed their appreciation for BOB DOLE's service, Democrats and Republicans alike, recognizing that whether he is to be the President of the United States or not, he is to be respected as a strong national leader who for years has done a lot of good things for this country—and nobody believes more strongly in the defense of the United States than BOB DOLE—I would urge those colleagues of mine, Democrats and Republicans alike, to just stop and think and see if it is not within their heart to at least give him a vote on his bill. They can then vote against it, and he will understand those who have legitimate reasons for voting against it. But I think what he would find very hard to believe is that his colleagues would not even let him have a vote on this important matter that, after all, is not that important to him personally or politically but is very important to the American people. BOB DOLE knows how important it is that we provide for our national defense.

I will just conclude with this point. I have mentioned the Persian Gulf war many times, Mr. President. But after that Persian Gulf war was over and Dick Cheney and President Bush and Colin Powell and Norm Schwarzkopf were all given great kudos for winning the Persian Gulf war, what did they say? Well, most of them said it was not us that did it, obviously; it was the men and women we had trained so well that did the job. Of course, they were right. But Dick Cheney said one additional thing, and I will never forget it because he is a very reflective person. He said that it was not me, it was not us that won this war. It was the people 10 and 15 years ago who made the decision then to invest in the kind of weaponry and training that enabled our people to win today. They could not have foreseen the uses to which these weapons would be put. They had to fight

those who said that they were a waste of money at the time, that they cost too much, that they might not work, that they were not necessary, that there was no threat. They had to stand up in the face of all of those arguments and have the courage of their conviction that someday, somewhere the United States might need that kind of weaponry to defend itself and its interests and it would be important for the men and women that we ask to go in harm's way that we give them the very best to protect themselves. Dick Cheney said we really owe this victory of the Persian Gulf war to the people who were in the Congress and who were in the administrations at that time, who made the tough decisions to make the investment to build these things so that when we needed them they would be there, even though no one could predict when or where or under what circumstances that would be.

Mr. President, I am saying the same thing today. We will hear all of the arguments: Well, it may not work. Well, we do not know even who it is going to be used against. Well, we are not sure that the threat is here yet or even when there is going to be a threat. Well, we know there will be a threat, but it probably will not be for a while yet. We can take a chance.

We have to stand up today just like those people did 10 and 15 years before Dick Cheney was Secretary of Defense and be courageous enough to make the investment to protect not only the American people but also our forces deployed abroad and our allies, but most specifically the American people. That is what the Defend America Act is all about, so that 10 or 15 years from now, or 7 or 8 or 9 years from now when we have been able to thwart some kind of attack by an aggressor and people are patting everyone on the back saying job well done, those people will look back on the Congress of today and say, well, actually, they were the ones, those people back in 1996 who had the courage to go forward with the system, they were the ones to whom we owe our appreciation and perhaps our lives.

Do we have the courage to make that kind of commitment today, at a very small, relative, expense, \$1 or \$2 billion a year out of a \$265 billion defense budget, for maybe 10 years? That is not too high a price to pay for the lives of American people.

So I ask my colleagues when we have this cloture vote tomorrow at 2:15, think about your children or grandchildren and your lives and the lives of those we will put in harm's way 10 or 15 years from now. Think about the legacy we want to leave. Think about the people we want to protect, about the interests that we want to project in the world. Think about what that takes.

Also, think about the unfairness of not even allowing this bill to come to a vote, and think about the final tribute that you can pay to a great man, whether you agree with him politically or not, BOB DOLE, who, after all, has

asked nothing more than to be allowed to have a vote on this piece of legislation.

For those reasons, I hope my colleagues will join us in voting for closure so we can have a vote on the Missile Defense Act sometime this week.

EXHIBIT 1

[From the Washington Times, May 31, 1996]
WHITE HOUSE MISLED JOINT CHIEFS ON ABM
TREATY TALKS
(By Bill Gertz)

Clinton administration officials misled the Joint Chiefs of Staff about efforts to reach an agreement with Russia at last month's summit on the complex issue of clarifying the Anti-Ballistic Missile (ABM) Treaty, Pentagon officials said.

To prevent details from being disclosed to the press, the military service chiefs were not told in advance of the Moscow summit about a White House plan to hold detailed talks between the two presidents aimed at reaching a partial agreement on what short-range anti-missile defense systems are legal under the 1972 ABM Treaty, according to officials who spoke on the condition of anonymity.

Several days before the April 22 summit in Moscow, a Pentagon briefer, explaining the White House summit agenda for defense issues, told a meeting of the Joint Chiefs of Staff that the issue of ABM theater missile defense (TMD) demarcation would not be brought up at meetings between President Clinton and Russian President Boris Yeltsin, or other defense officials, they said.

"At the [Joint Chiefs] meeting, the chiefs were told ABM-TMD demarcation will not be discussed at the summit," one official said. "In fact that briefing was part of a deliberate deception plan on the part of the White House."

The postsummit realization that some officials acted dishonestly with the military chiefs upset many in the Pentagon, particularly officials charged with developing missile defenses.

"Everybody was outraged," one official said. "The only conclusion we could come to was that the White House negotiated with the Russians against its own military."

A second official said a senior general who took part in the briefing, held in the secure Pentagon room known as "the tank," specifically asked the briefer to clarify whether the issue would be raised. The general, concerned over Russian backtracking at earlier arms talks, was told missile defense would not be discussed at all, the official said.

"That conversation did occur, and that answer was received," a spokesman for the general said, asking that his name and service not be identified.

The briefer, an aide to Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, explained that the only defense topics to be discussed at the summit would be the Conventional Forces in Europe Treaty, efforts to reach a nuclear test ban treaty, and chemical and biological weapons.

Presidents Clinton and Yeltsin said during a postsummit news conference on April 22 that they had discussed the ABM issue extensively.

Mr. Clinton told reporters "real progress" was made on the ABM-TMD issue during five hours of talks. "I'm convinced that if we do this in an open way that has a lot of integrity, I think we'll all be just fine on this and I think it will work out very well," Mr. Clinton said.

A new round of ABM talks with Moscow on missile demarcation began May 20 at the Standing Consultative Commission (SCC) in Geneva. The White House official said the

Russians presented proposals at the session with "wrinkles"—positions—opposed by U.S. negotiators.

An earlier round of SCC talks broke off after they were deadlocked over Russian insistence on reversing agreements reached earlier by U.S. and Russian officials outside the formal talks.

Russia announced in the earlier meeting that any Pentagon work on higher-speed regional missile defenses would be regarded by Moscow as illegal under the ABM Treaty until a second agreement is reached, a classified State Department cable said.

Pentagon officials said a political agreement reached by U.S. and Russian officials at the summit will limit U.S. use of space-based sensors with advanced missile defenses, such as the Navy's wide-area system known as Upper Tier. It also would bar work on the Air Force's airborne laser gun, which will be capable of knocking down missiles shortly after takeoff.

WOOLSEY DISPUTES CLINTON, MISSILE-THREAT ASSESSMENT

President Clinton's former CIA director yesterday accused the administration of playing down the threat of missile attack from Russia, China or elsewhere.

R. James Woolsey, who headed the nation's spy apparatus during the first two years of the Clinton administration, told a House committee that the administration has understated the missile threat on multiple fronts.

In particular, Mr. Woolsey criticized a frequently quoted National Intelligence Estimate that found little threat of a missile attack on the contiguous 48 states until well into the next century.

"I believe that the 'contiguous 48' reference . . . can lead to a badly distorted and minimized perception of the serious threats we face from ballistic missiles now and in the very near future—threats to our friends, our allies, our overseas bases and military forces, our overseas territories and some of the 50 states," Mr. Woolsey told the House Government Reform and Oversight Committee.

A White House official, who spoke on the condition of anonymity, said the United States has theater missile defenses that could be rushed into place to protect Alaska and Hawaii should a threat arise.

He said the administration was "absolutely in agreement" that the threat of terrorism must be met, but said Mr. Clinton opposes rushing a system into place when a slower pace might result in a better defense.

In his testimony, Mr. Woolsey said the chances of missile terrorism increase as potentially hostile states improve their technology.

"It is quite reasonable to believe that within a few years [Iraqi leader] Saddam Hussein or the Chinese rulers will be able to threaten something far more troubling than firings of relatively inaccurate ballistic missiles," Mr. Woolsey said. "They may quite plausibly be able to threaten to destroy, say, the Knesset [Israel's parliament], or threaten to create, in effect, an international Chernobyl incident at a Taiwanese nuclear power plant."

Mr. Woolsey, now practicing law in Washington, has been embraced by Republicans seeking funding to deploy a national missile-defense system by 2003: Mr. Woolsey said after the hearing that he supports legislation sponsored by Senate Majority Leader Bob Dole, the presumptive Republican presidential nominee, and House Speaker Newt Gingrich to deploy the missile-defense system.

In an apparent endorsement of current administration priorities, Mr. Woolsey said the

Pentagon should place "primary importance" on developing theater missile defenses while pursuing "a sound program to move toward some type of national defense." But Mr. Woolsey criticized several aspects of administration policy. Specifically, Mr. Woolsey:

Criticized the administration for trimming funding for some theater-defense systems.

Questioned the administration decision to make highly accurate global-positioning-system technology available commercially, a move that enemies could use to make their missiles even more accurate.

Disputed Mr. Clinton's assertion that U.S. intelligence does not foresee an emerging ballistic-missile threat in the coming decade.

Mr. KEMPTHORNE. Mr. President, I am pleased to rise today in support of the Defend America Act of 1996 currently before the Senate which establishes, by the year 2003, a national missile-defense [NMD] system to protect the United States against limited, unauthorized or accidental missile attacks. The deployment of an NMD system as articulated by the author of the bill—Senator DOLE—will not only defend, it will deter—by reducing the incentive of rogue regimes to acquire ballistic missiles and weapons of mass destruction.

I am deeply concerned, as are other Members of Congress, about increased interest by several countries hostile to this great Nation to acquire ballistic missiles capable of reaching the United States. As recently as last month, Clinton administration officials, to include the former Director of Central Intelligence [DCI]—R. James Woolsey—testified before Congress that the National Intelligence Estimate [NIE] used by the President to veto earlier proposals to deploy a NMD system was flawed. Mr. Woolsey challenged the conclusion made by the NIE report that no long-range missiles will threaten the 48 contiguous States for at least 15 years. Former DCI Woolsey further stated that limiting the estimate's focus on the missile threat to the 48 States "can lead to a badly distorted and minimized perception of very serious threats we face from ballistic missiles now and in the very near future."

The Intelligence Community [IC] of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed. In April, Kim Myong Chol—a North Korean reported by the Washington Post to have close contacts to the government in Pyongyang—stated that North Korean leader Kim Jong-il has ordered the development and deployment of strategic long-range ballistic missiles tipped with a super-powerful warhead. The purpose of this missile, according to Chol, is to provide North Korea with the capability to destroy major metropolitan centers. This system is likely to be deployed in less than 10 years and be part operational intercontinental ballistic missile force capable of hitting the American mainland.

Additionally, the threat posed to the United States by the proliferation of

ballistic missiles is growing at an ever faster pace. Other rogue nations such as Iran, Iraq and Libya are also pursuing the development of longer range missiles to include those with an intercontinental capability. According to the CIA, Iran is seeking to supplement its existing ballistic missile inventories with the purchase from North Korea of the 1,000-1,300 kilometer (No Dong) ballistic missile. Iran—with help from China and North Korea—is seeking to develop and produce its own ballistic missiles with the objective of producing a medium-range ballistic missile to threaten targets to a distance of 3,000 kilometers. Fore-shadowing future successes, Iranian President Rafsanjani said as recently as August 1995 that: “An incredible thing has happened in defense so that we [Iranians] are making everything from rockets to the smallest military equipment. We are also exporters and could export to countries which we wish. You should know that we are one of the main centers for construction of defense equipment. Of course we cannot advertise much in this sector and we do not wish to advertise because it is a defense sphere, but we are getting on with the job.”

It should be mentioned that Iran is also aggressively pursuing a nuclear weapons capability and, if significant foreign assistance were provided (e.g., from China or Russia), could produce a nuclear device as early as the end of the decade. Moreover, Iranian leaders have in the past and continue to make numerous statements before cheering crowds along the lines of “The United States still remains the Great Satan” and “Mankind should not think the White House will remain forever. No, it will be destroyed.”

I would like to stress that the Defend America Act emphasizes that the goal of defending Americans against ballistic missile attack must be accomplished in an affordable manner. Senator DOLE's bill focuses on a \$14 billion limited national missile defense [NMD] system. The Defend America Act calls for the use of programs currently in development to serve as the building blocks for a system that will meet the missile threat as it emerges and has the flexibility to adapt to new development in ballistic missile technology by rogue states. In contrast, the Congressional Budget Office [CBO] highly inflated estimate of \$31-\$60 billion reflects the cost of a more robust defense that includes every option that might be done and could be done in the next 20 years in order to protect the United States from an unrealistic attack of up to 200 warheads accompanied by sophisticated countermeasures.

It must be made clear and in very specific terms that the United States is firmly committed to a National Missile Defense system. And, therefore I urge Senators to support the Defend America Act of 1996. This measure will ensure that future generations of Americans remain secure from long-range ballistic missile attack.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, last year the subject of national missile defense proved to be one of the most difficult issues we faced during the consideration of the defense authorization bill for fiscal year 1996. This year, we may face similar challenges as a result of provisions in S. 1635, the proposed Defend America Act, which was introduced by Senator DOLE and others on March 21, 1996, as well as certain provisions in S. 1745, the Defense Authorization Act reported by the Armed Services Committee.

In my judgment, it would be relatively easy to develop a consensus in the Congress as to what measures we should authorize in fiscal year 1997 to address the requirements of a sound national missile defense program. Difficulties arise, however, when we focus on decisions which do not need to be resolved at this time, but which assume a great symbolic importance to a number of Senators and a number of commentators.

Today, I would like to review last year's actions on missile defense, discuss the proposals that have been introduced to date, and set forth at least my own views as to how the Nation should proceed in both the short term and long term on the subject of missile defenses.

Last year's bill, as reported by the Armed Services Committee, proposed to legislate a requirement that the United States deploy by the year 1999 a prototype national missile defense system which, because of the compressed time, would have necessarily had a very limited capability. The bill further required the United States to deploy a multiple-site ABM system with an initial operational capability by the year 2003.

The bill also proposed the system would be augmented to provide a layered defense against a larger and more sophisticated type attack. In addition, the proposed language would have established in permanent law a specific demarcation between what we call theater missile defense and strategic missile defense or national missile defense, as the term is used in this debate. It also prohibited negotiations, or other executive branch actions concerning clarification or interpretation of the ABM Treaty and the line between theater and strategic defenses.

In my judgment, and that of many other Senators and of the administration, the language in last year's bill was unacceptable. The requirement for a multiple-site system was clearly inconsistent with the ABM Treaty which

limits parties to a single site. The mandate for a layered system, which would require deployment of space-based systems, also was inconsistent with the treaty. The statutory demarcation between theater and national missile defense systems, and the prohibition on negotiations by the administration, also raised difficult constitutional questions about the authority of the Congress to impinge on the President's negotiating authority, as well as his role as Commander in Chief.

When it became clear during the debate that there was insufficient support for the bill as passed by the committee to also pass the Senate, the majority leader, Senator DOLE, and the minority leader, Senator DASCHLE, designated Senators WARNER, COHEN, LEVIN, and myself—two Democrats, two Republicans—to attempt to develop a bipartisan substitute, and that we did. The result was a bipartisan amendment which provided extensive guidance to ensure that the United States would develop a more focused Missile Defense Program than the administration's then-current National Missile Defense Program.

Mr. President, if any of our colleagues would like to look at a sound proposal that was negotiated—every word of it was negotiated—they will do well to review that in reviewing this debate before we vote on these matters.

The bipartisan amendment stated that it, “is the policy of the United States to develop for deployment a multiple-site national missile defense system that: First, is affordable and operationally effective against limited, accidental, and unauthorized ballistic missile attacks on the territory of the United States, and second, can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats.”

The bipartisan amendment required the Secretary of Defense to: “develop an affordable and operationally effective national missile defense system to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability [IOC] by the end of 2003.”

The bipartisan amendment also set forth the understanding of the Senate as to the demarcation between theater and ballistic missile defense systems, and established a prohibition against the use of funds: “to implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1995, that would establish a demarcation between theater missile defense systems and antiballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except: First, to the extent provided in an act enacted subsequent to this act; second, to implement that portion of any such agreement that implements the criteria in subsection (b)(1); or third, to

implement any such agreement that is entered into pursuant to the treaty making power of the President under the Constitution."

That amendment, developed by two Democrats and two Republicans, was approved overwhelmingly in the Senate by a vote of 85 to 13 and, interestingly enough, only one Republican voted against the amendment. Most of the votes against the amendment were on the Democratic side by people who felt the amendment went too far toward a national missile defense. Only one Republican, as I recall, voted against it.

Despite this overwhelming approval, the bipartisan amendment was abandoned in conference, which was puzzling to me at the time and remains puzzling, to say the least, since it would clearly define our national missile defense goals and give renewed bipartisan emphasis to the importance of national missile defenses.

The bipartisan amendment also had the added advantage that it would have been signed into law by President Clinton, not an insignificant step if your motive is to get something done. Instead, the majority conferees decided to mandate a specific requirement to deploy a national missile defense system by the year 2003. There is a difference here between "develop for development" and "deploy."

"Develop for deployment," which was in the bipartisan agreement that passed the Senate, is a different term than "deploy," because "develop for deployment" indicates a further decision has to be made after the development has taken place before you decide to deploy, whereas "deploy," as used then and as used in the act before us—that will perhaps be before us that is now the subject of debate—"deploy" means deploy. It means you are making a decision now to deploy a system that will be developed over a period of time and be, hopefully, ready in 2003.

The Clinton administration expressed strong opposition to the conference report, particularly in terms of its impact on Russian consideration of the START II Treaty, which has not been ratified in Russia, which is designed to produce a second major reduction in United States and Russian nuclear weapons, including, I might state, Mr. President, getting rid of MIRV'd weapons which has been the goal, to get rid of multiple warhead missiles aimed at the United States which has been the goal of Democratic and Republican Presidents for many years.

The administration also expressed concern that the language could lead the Russians to abandon other arms control agreements if they conclude that it is United States policy to take unilateral action to abandon the ABM Treaty. And reading the act as it was proposed last year, I find it inescapable that that is what the Russians would conclude.

In a letter to Senator DASCHLE dated December 15, Secretary of Defense Bill

Perry stated, and I quote from that letter:

[B]y directing the NMD [National Missile Defense] be "operationally effective" in defending all 50 States (including Hawaii and Alaska), the bill would likely require a multiple-site NMD architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued implementation of the START I Treaty and ratification of the START II, two treaties which together will reduce the number of U.S. and Russian strategic warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

Ending the quote from Secretary Perry.

As a result of those concerns, and other considerations, the President vetoed the bill. That was the main defense authorization bill that was vetoed.

When the conferees reconvened, the majority decided to drop all language dealing with missile defense. Again, from my perspective, a very curious position, because we had already shown overwhelming bipartisan support, including every Republican, but one, in the U.S. Senate for what I would call the Nunn-Levin-Cohen-Warner amendment which passed the Senate. So why we did not go back to that as a substitute after the vetoed bill is still puzzling to me.

If the motive was to accelerate national missile defense, why would the majority not choose to insert the bipartisan amendment passed overwhelmingly in the Senate and agreed to by the President? I still have that question today. We could have passed that. We would be 1 year further along with a national consensus on where we go with national missile defense. But here we are, again, fighting over this issue. It seems to me some would rather fight over the issue than resolve it. Nevertheless, that is from my perspective.

The Dole-Gingrich bill let me just address briefly.

On March 21, 1996, Senator DOLE introduced S. 1635, entitled Defend America Act of 1996, on behalf of himself and 19 other Senators. I might stipulate at the beginning that I agree in defending America and I think my record indicates that over the years. So the title of the bill is not my problem.

Speaker GINGRICH and others introduced an identical version in the House. The Dole-Gingrich bill would mandate deployment of a national missile defense system by 2003 and selection of a particular architecture for that system a few months from now. I believe the date is March of next year. It gives the President 1 year from its enactment in which to negotiate modifications to the ABM Treaty to permit the chosen architecture to be developed and deployed.

So this is a very compressed timeframe, based on all technical assessments from the program managers, as to where we are now, particularly the

items of selecting the architecture and in terms of negotiating an ABM Treaty amendment, which is not going to be a quick, easy matter, as everyone who has ever negotiated with the Russians knows.

A critique of the Dole-Gingrich bill is set forth in a recent speech by Robert Bell, the Senior Director of Defense Policy and Arms Control on the National Security Council. Mr. Bell takes the Dole-Gingrich proposal to task on several particular points.

First, he notes that the Dole-Gingrich bill requires a deployment decision today well before we have a system to deploy.

Second, he suggests that the Dole-Gingrich bill appears to be a "stalking-horse" for the resurrection of the old SDI program intended to defend against much larger scale attacks than a limited national defense could cope with.

Incidentally, the threat has changed immensely since those days because of START I and START II, at least the prospect of START II, in reducing the number of warheads, if these amendments go through, reducing them very substantially from what existed in the 1980's when President Reagan proposed the original so-called star wars program, which was an accelerated program of larger scope than we had in existence in terms of research and development.

Third, Mr. Bell indicates that the Dole-Gingrich bill would constitute an "anticipatory breach" of the ABM Treaty.

Finally, Mr. Bell suggests strong Russian opposition to the 1-year deadline in the Dole-Gingrich bill for negotiating changes in the ABM Treaty acceptable to the United States.

Mr. President, I agree with many of Mr. Bell's criticisms of the Dole-Gingrich bill. I ask unanimous consent that a copy of that speech be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr. President, the non-partisan Congressional Budget Office was asked to estimate the acquisition cost for the NMD system required by the Dole-Gingrich bill. On May 17, 1996, the Congressional Budget Office provided the Armed Services Committee with that cost estimate. CBO estimates that the total acquisition cost for the Dole-Gingrich bill through the year 2010 would range from \$31 billion to as much as \$60 billion.

As the CBO report notes:

The wide range in the estimate reflects uncertainty about two factors—the type and capability of a defensive system that would satisfy the terms of the bill, and the cost of each component of that system.

Mr. President, CBO is right. There is a huge range because no one knows the system that we in this bill, if we pass this bill, would be by law saying had to be deployed. So if we pass this bill as is, we would be making a deployment

decision on a system that is not developed, that will cost, according to CBO, anywhere from \$30 to \$60 billion. In a period of time where we are trying to get our budget under control, to pass into law something that mandates the deployment of a system that could range in cost from \$30 to \$60 billion is, to say the least, puzzling for a Senate that has talked about fiscal prudence. Just a little \$30 billion swing there in terms of what we are talking about.

In its present form, Mr. President, I believe there is no question that the Dole-Gingrich bill, if and when passed by the Congress and sent to the President, will be vetoed just under the speed of light on both cost and arms control grounds.

I emphasize, however—and I think certainly this is important, from my perspective—that I support a number of the concepts underlying the Dole-Gingrich bill, concepts that I believe are imperfectly presented in its text, in other words, flawed.

Like the sponsors of that bill, I do not believe we can assume that no ballistic missile threat for the United States will emerge over the next 15 years.

Like the sponsors, I believe there is some preemptive and deterrent value to deploying a national missile defense system to defend against limited—I emphasize “limited”—missile attacks even before the threat, certainly the rogue nation threat, has fully emerged.

To understand the unwarranted cost of delay in deploying a limited national missile defense system, I think we need only look at the difficult situation today in the theater missile defense area. Our theater missile defense systems arrived well after the short-range missile threat in the Middle East had emerged. When the Persian Gulf war began, Iraq had hundreds of short-range ballistic missiles at its disposal, while we had a very limited antimissile capability essentially grafted onto the Patriot air defense system. We were grateful for what we had. The results from Patriot defenses are still in some dispute—and certainly psychologically there was a big plus in having that system, and also militarily—but it is clear that the Patriot's performance did not resemble the “astrodome” defense that many missile defense enthusiasts envision. We are still playing catchup ball in the theater missile defense area, and we continue to do so today.

Mr. President, there are three parts to the threat that encourage us, from my perspective, to move forward on a prudent basis on a national missile defense system.

First, there is a potential at some future time for deliberate, long-range missile attacks from rogue nations. You can debate whether that is going to be in 5 years, 10 years, 2 years, 4 years. We all know that if certain powers in the world decided they wanted a rogue nation to have a missile and a nuclear warhead, it could happen overnight. I do not think that is likely be-

cause I do not think it is to Russia's benefit or China's benefit, or anyone else that is a nuclear power, to deliver a missile delivery system or a nuclear warhead to a rogue nation.

The second threat is the threat of accidental launch from existing nuclear powers. That accidental is exactly what we are talking about here. We are not talking about deliberate in the second threat, but accidental.

There is a threat of unauthorized launch from existing nuclear powers.

Since the threat of accidental and unauthorized launches of long-range missiles from both China and Russia exist today, I have no qualms about advocating the development and deployment of an accelerated but sensible—and I underscore both words, “accelerated but sensible”—basis of a limited national defense capability.

The cost of that deployment can be viewed as a very reasonable insurance premium, if it is a prudent program against the catastrophic damage, the unimaginable loss of life that would result from even a single accidental or unauthorized nuclear missile aimed at an American city. I must add, however, the caution that everyone contemplating an insurance policy has to weigh the cost of the insurance premium against the risk of loss. Then you have to decide whether the risk warrants the premium. That is the way you have to decide a number of things, both in everyday life as well as in the defense arena.

Today, as the CBO report makes plain, the cost of the Dole-Gingrich bill's insurance premium for national missile defense is quite high. Therefore, these have to be weighed carefully, each, in my view, separately but also collectively.

For all of these reasons, Mr. President, I have some sympathy for some of the underlying concepts of the Dole-Gingrich bill. Unfortunately, as drafted, the demerits of the Dole-Gingrich bill far outweigh its good features.

Once again, as with last year's abortive national missile defense provisions, the Dole-Gingrich bill contains a series of egregious provisions that have nothing to do with getting on with the deployment of this national defense system to defend America from limited attacks and much to do with the implied hopes of a few in this body that the entire thrust of arms control and cooperation with the Russian federation can be reversed.

I certainly do not attribute that to everyone who supports this bill. But I think there are some who believe we would be better off—and they believe this sincerely—if we tossed out START I, tossed out START II and simply went all out to provide defenses that would certainly have to be much more comprehensive, because the threat would grow greatly in comparison to what would happen if we do carry out these arms control agreements that are underway.

Mr. President, I do not understand the logic that finds any advantage ac-

crued to the United States from our acting to destroy the START II Treaty well before it enters into force and take down with it the ABM Treaty and probably the START I Treaty as well. I do not understand that logic.

Before START, the former Soviet Union had over 13,000 strategic nuclear warheads aimed at us; once START II enters into force, that total will be reduced to only 3,000 to 3,500 warheads.

Mr. President, as I have already mentioned, the threat that we are talking about has three prongs. One is, rogue nation. That is the debating point about where that will develop. The other two prongs are already here—accidental and unauthorized launch.

Does it not stand to reason there is much less chance of having an accidental or unauthorized launch if the Russians have moved down from 13,000 warheads to 3,000 or to 3,500, even with a military that is demoralized to some extent? Managing 3,000 to 3,500 warheads, if START II goes into effect and is implemented, is certainly a much more manageable situation than managing 13,000 and greatly reduces the threat that this national missile defense is aimed to prevent.

There is a direct connection between the START agreements being implemented and the reduction of threat that the National Missile Defense Act is aimed at. If we can get a major reduction in threat by carrying out arms control agreements, why would we want to disrupt that pattern? These agreements were negotiated and signed not by President Clinton or by President Carter but by President Reagan and by President Bush.

Mr. President, does the Senate believe our defense budget will be smaller if START II fails? Does the Senate believe a U.S. national missile defense system sized to defend against START I force levels—which will be the levels if we disrupt the reduction; that will be what we will be left with—do we believe missile defense systems sized to defend against the force levels will be paid for by the Congress and the American people? If so, it will be far bigger than any \$30 to \$60 billion. That is for a limited system. That is for a limited system.

If we go back to START I levels or START II levels you can take that figure and you can put a multiple on it. Does the Senate think the way to deploy limited missile defense capability is to pass, on a party-line vote, a bill that is certain to be vetoed? Is that somebody's idea of how you sustain a long-term program that will cost \$30 to \$60 billion? In my opinion, that is not the way you proceed. Primarily, what we will do if we pass this bill and it is vetoed, we will be in a posture where a number of people can issue press releases, while yet another legislative year passes. How many ballistic missiles can press releases defend against? Not many.

Even if all the egregious language were removed from the Dole-Gingrich

bill, we would still be left with another fundamental problem. The Dole-Gingrich bill violates most precepts of sound acquisition policy. The Dole-Gingrich bill says we are going to decide today to deploy "something" that can perhaps shoot down enemy long-range ballistic missiles that might be launched at U.S. territory by the year 2003. The preferred NMD system is not even defined in the Dole-Gingrich bill. No prototype hardware exists. There is no test data to support a cost and effectiveness analysis. We have, at best, back-of-the-envelope cost and "schedule" estimates provided by NMD developers to the ballistic missile defense organization. These developers' cost estimates are much lower than those provided by the nonpartisan Congressional Budget Office. I have seen a lot of weapons procured, and I have never seen a weapons developer overestimate the cost of the weapon. Just the reverse. I have seen almost every developer underestimate what it will cost. Of course that is their incentive.

Let me ask my colleagues, would we rely on defense contractors to tell us the cost of a new aircraft program, a new submarine program, or a new armored vehicle program? Would we rely on contractors, unchecked, solely, to tell us how soon the system would be operational? Would we legislate procurement of aircraft, ships, or armored vehicles, without knowing the outcome of research, development, testing, and evaluation? Would we commit to deployment without independent review of the testing done by the developer? Of course not. Of course we use the information a developer gives us, but we do enough testing and evaluation so we get an independent analysis.

That is the only sound, prudent way to buy any system, let alone a system that has this kind of revolutionary technology. Yet many of our colleagues appear ready to buy the Dole-Gingrich bill's proverbial pig in a poke, based on the back-of-the-envelope calculations, with no test data on any aspect of the system in hand today.

Mr. President, it would be a sad day for this body if we abandon our commitment to fly before we buy. Why would the Senate abandon its requirement that it will commit major funding to deploy complex major weapon systems only after adequate test and evaluation has been conducted? I do not understand how anyone can argue that the deployment mandate in the Dole-Gingrich bill constitutes responsible oversight and stewardship of the taxpayer dollars.

Mr. President, I also would like to address the administration's NMD Program which may be offered as a substitute to the Dole-Gingrich bill. Despite all the sound and fury that will accompany the debate over the Dole-Gingrich bill, the fact is that the end points of it and the administration's "3-plus-3"—3 years of development followed by 3 years of deployment—these programs are really quite similar. Both

support extensive R&D on national missile defenses. Both provide the prospect of a deployed national missile defense system by the end of the year 2003. The main differences are that the administration plans to carry out the development and testing of the components of an NMD system for 3 more years while complying with the ABM Treaty and then consider whether or not to deploy that system, while the Dole-Gingrich bill commits us by law to a deployment decision on a non-compliant system today. By "non-compliant" I mean with existing treaty obligations of the countries.

While I am in agreement with much of the administration's program, I find that there are several omissions that, were they included, would materially strengthen the proposal. My major concern with the administration's proposal is the absence of any real criteria for evaluating 3 years hence whether or not the time has come to end development and start deployment. Significant among the considerations of that point should be, it seems to me, whether the threat—and by this, I mean one-third of the threat, the rogue nation threat—has matured as rapidly as we expected it would. Certainly we will know more as the years unfold. We recognize additional time spent in development usually leads to improved system performance, but it can also lead in many cases to much cheaper ways of achieving the desired objectives. For example, the administration's program also does not portray how much more effective or how much cheaper an NMD system might be if we were to defer deployment for an additional finite period, say 3 more years, if they were to conclude that the severity of the threat—in my view, the rogue nation threat, although the administration, which is where I differ significantly, they define the threat as only the rogue nation threat; I define that as one of the threats, the other two being accidental and unauthorized, and that threat is already here—if they were to conclude the severity of the rogue nation threat does not require an immediate deployment.

Mr. President, we have to consider all of these threats in assessing whether the risk is worth the premium or whether there are other ways we could spend the premium money to enhance our security more than will enhance it with this type system. That is the balance that is missing in this bill.

Mr. President, earlier I used the analogy of buying insurance in discussing the threat to the United States from attack by nuclear weapons delivered by long-range missiles. I noted that one must consider the cost of the insurance premium and the risk of loss. Many view the creation of nuclear weapons a half-century ago as the event that cracked open Pandora's box, allowing evils to escape, namely nuclear weapons. Increasingly, however, we are recognizing that the end of the cold war has ripped the lid off the box.

We have seen an attempt to use chemical weapons during the World Trade Center bombing, we have seen actual use of sarin gas in the Tokyo subway. In our subcommittee, Senator ROTH and I had a substantial number of hearings on that subject. We have seen the ugly face of domestic terrorism in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and the tragedy that ensued from that, the Chechen rebels in Russia conceal deadly radiological sources in a Moscow park, in effect, making a very clear and visible threat of using radiological weapons. That is, nuclear weapon materials being dispersed without an explosion. We have seen a sharply growing number of arrests of shady characters bringing fissionable materials out of Russia and other member States of the former Soviet Union.

In summary, Mr. President, America's citizens today face an array of potential and actual threats from many kinds of weapons of mass destruction, not simply being delivered by ballistic missile. Some of these threats can emerge at home, others can come from abroad, by a variety of means and in many guises. This Nation, today, is singularly unprepared for any sort of terrorist threat employing chemical, biological or radiological weapons of mass destruction. We have all sorts of vulnerabilities that we are just beginning to pay some attention to.

Mr. President, this raises, again, the question of what risks America can afford to pay to insure against, and how much America can afford to pay for insurance of all kinds. What are the priorities we should attach to improving our capabilities to defend against each of these threats, including but not limited to the threat of long-range missiles armed with nuclear weapons? Are we providing funding to deal with each of these different threats in accordance with our level of preparedness and the imminence of the threats, or are we overfunding some of the threats while starving and completely ignoring others? Does the Dole bill represent the equivalent of an expensive life insurance policy that only ensures against death from shark attacks and lightning strikes, but does not provide coverage against more fundamental problems, such as heart attack and cancer?

Since we are spending so little and are so unprepared for terrorist attacks on our cities, using chemical, biological, or radiological weapons, should we not be checking out the costs of a more comprehensive and less expensive insurance policy than the Dole-Gingrich bill?

In fact, Mr. President, Senator LUGAR, Senator DOMENICI, and I have spent a great deal of time in recent months and years, and we plan to introduce an amendment on the fiscal year 1997 defense authorization bill when it is brought up on the floor later this month to address many of these areas of America's unpreparedness in a

comprehensive way, dealing particularly with the domestic threat of chemical and biological weapons being used against our cities and against our citizens.

Mr. President, also—and this is a separate matter that Senator LUGAR and Senator DOMENICI are not involved in, and I want to make that clear—I intend to offer a substitute during this debate if the Dole-Gingrich bill is considered by the Senate. My substitute will include a number of modifications and omissions I have previously noted in this presentation today, including—and this is just the highlights or the fundamental parts of this substitute—No. 1, the specification of a treaty-compliant national missile defense system to be developed for deployment at Grand Forks, consistent with an additional operation capacity in 2003.

Again, the words “developed for deployment” is different from deployment, and that is a fundamental difference. It means develop so we can be prepared, with logical reasoning, to decide whether and when to deploy—after we know whether it will work, after we know how much it is going to cost.

By the way, that would be, as I said, a treaty-compliant system because, under the ABM Treaty, we are allowed to have a missile defense system at Grand Forks, and, of course, the Russians have had one around Moscow for some time.

No. 2, a statement of the criteria to be considered in any future deployment decision, including the threat, the cost and effectiveness of the deployed system against that threat based on demonstrated test results, the cost differential and gain and effectiveness of the deployed system, if it were to continue to be developed an additional period of 1 to 3 years. In other words, can we make quantum leaps in effectiveness and in reducing costs if we take another year or two to develop it? That has to be measured against a threat at the appropriate time. We cannot make that judgment now.

Also, the effect on deployment of reducing the threat against the United States through arms control measures: Should we not consider the effect on START I and START II? Should we think about that? And also including our relative preparedness for other contingencies involving the threat and use of weapons of mass destruction, including, as I mentioned, chemical and biological attacks against American cities.

The third part of this substitute will be an inclusion of a provision establishing a procedure to permit a vote by both Houses of the 106th Congress on the deployment of the treaty-compliant national missile defense system described in my proposal, with that vote constructed as a privileged motion under expedited procedures. Mr. President, this would say that at a time certain we will vote, we will decide, but we will do it on a time scale where we have the information before we make

the decision, not after we make the decision.

No. 4, a provision urging that the President seek, cooperatively with Russia, to rescind the 1974 protocol to the ABM Treaty and make modest conforming changes to allow both sides 2 national defense sites and up to 200 interceptors. Mr. President, that was the original ABM Treaty, and the protocol cut 2 sites and 200 interceptors to 1 site and 100 interceptors. This would be saying to those who believe that the ABM Treaty and everything about it is sacred—and I do not—we will go back to the original ABM Treaty, which permitted 2 sites and 200 interceptors. This would greatly improve the effectiveness of the United States and Russia against limited attacks by long-range ballistic missiles, without threatening either side's deterrent capabilities or either side's perception of having deterrence to a first-strike by the other side.

Mr. President, the fifth provision is a provision urging continued cooperation with Russia and other States on the full spectrum of threats involving weapons of mass destruction. Mr. President, we have just received word that the last nuclear warhead has been taken out of the Ukraine and moved to Russia. This is the best example of reducing the threat against the United States by means other than military hardware. We are using the so-called unnn-Lugar money to reduce the threat. If anybody thinks it is easier to deal with four nuclear States, four different hands on the nuclear trigger, four different command and controls, four different sets of officers, all aiming missiles at the United States or at other allies in the world, then I think they need to rethink their position.

What we have been able to do in the last 2 or 3 years, with stalwart work by Secretary Perry and others in the Department of Defense, we have been able to get three of the former parts of the Soviet Union that ended up with nuclear weapons—Belarus, Kazakhstan, and Ukraine—to give up all their nuclear weapons. The Ukraine's last warhead has just moved out. I think that demonstrates the comprehensive kind of approach that we have to have in dealing with this problem.

Finally, Mr. President, a sixth component, and a very important part of this overall substitute, would be calling for greater United States-Russian cooperation in such areas as sharing improved missile detection and warning data. If successful, this cooperation, particularly joined with the amendments to the ABM Treaty, which should be mutually agreed on—we always have the right to basically serve notice that we are getting out from under the treaties if Russia will not negotiate in good faith—but, if successful, the combination of having the ability to go back to the original ABM Treaty and have two sites, and also joint development programs for advanced theater missile defense sys-

tems, since we and Russia face similar theater missile defense threats—Russia probably greater than we face that kind of threat—that kind of combination could put us on the road to a different kind of relationship with Russia. Obviously, the extent of such cooperation may well be dependent upon the outcome of the Russian elections and the future direction of the Russian Government. At this point, that is unknown.

Mr. President, in summary, I believe my amendment, when it is introduced, can provide the basis for a strong, bipartisan bill, allowing us to move forward with the national missile defense capability against limited attack. I have no doubt that some in this body will not support this approach because it does not have enough of a flavor of immediate deployment before we know cost affordability, technical systems, and how they work. So some people will not favor it because of that and also because it does not lead to necessarily abandoning the ABM Treaty. Others will dismiss, from the other point of view, all threats of missile attack on the United States, and they will oppose it because this substitute is too forward leaning. We could end up, on this substitute, with only one vote, and that might be mine. It may be one of those classic squeezes where everybody is opposed to it for different reasons.

I hope that is not accurate. I hope that many in the coalition that supported last year's bipartisan amendment, by a vote of 85 to 13, will be able to support this amendment, which I think can provide us the right road to reduce the overall threat against the United States, to provide for an orderly and logical sequence of decisionmaking in the national missile defense area, and also provide for a method of retaining the constructive parts of the ABM Treaty, by having modest amendments to that treaty in a cooperative way, and also providing for increased cooperation between the United States and Russia, in recognizing that we both, to some extent, face the same kind of threat. It would behoove both of us to work together in protecting our people and our citizens.

Mr. President, for a long time to come, the Russians, even if we get START I and START II, are still going to have enough capacity, in 30 minutes to an hour's time, to destroy most of the United States.

I think in considering that equation—and that is even if we pass the Dole-Gingrich bill, and even if everything works out and it is affordable, even if it is technically feasible and even if we begin deploying it in 2003, we are going to have a period of many years while we remain vulnerable to an attack by the Russians against the United States.

For that reason I think everybody better pay careful attention to the way we go about reducing this overall threat of rogue nations and accidental

unauthorized launch. The way we go about it can produce a much safer America. But it can also, if we go about it in the wrong way, cause a great deal of increased risk to our citizens because of the continuing threat of existing nuclear powers, and, even if we have arms control and if it works perfectly, that threat is going to remain for a long time to come.

Mr. President, many people do not realize it. But, if we were to agree right now with the Russians, the Chinese, the French, the British, and everybody else in the world to abolish all nuclear weapons from the face of the Earth, it would take years and years and years to be able to negotiate something that would be verifiable. And then it would take years and years to reduce the number of warheads and missiles. It would take a long, long time.

So we are going to be living with this nuclear equation for a long number of years to come, even under the best of circumstances. And I think it is in our interest to proceed in a very logical and a very prudent fashion as to how we go about protecting America's national security and protecting the land that we love.

[EXHIBIT 1]

DEFENDING AMERICA AGAINST WMD

(By Robert G. Bell, Senior Director, NSC)

It is always a pleasure for me to come back to the Hill, and a special pleasure to be here only a week or so before "Defend America Week" in the House and Senate. The Administration is delighted that both Houses are going to take time out of their busy schedules to focus on the state of our Nation's defenses. But I want to make it clear that for the Administration, defending America is not something we concentrate on one week out of the year. Defending America is what we're about day in and day out.

This morning I would like to address one important aspect of our strategy for defending America, and that is defense against the growing danger of weapons of mass destruction (WMD). On April 25th the Secretary of Defense addressed this topic in a comprehensive fashion in a speech at George Washington University, and I recommend that speech to you. As he noted, the Administration has erected three lines of defense against weapons of mass destruction. I agree with the point Senator Cochran makes in his Post op-ed today that there should not be an "either/or" choice between these three lines of defense: we need all three.

The first line of defense is prevention—or what Secretary Perry has called "defense by other means." This line of defense includes ratifying and entering into force START I and START II, which together will remove from active inventories two-thirds of the strategic nuclear weapons that threatened us at the height of the Cold War.

It includes ratifying the Chemical Weapons Convention, which we look forward to seeing on the Senate floor in the near future now that it has been overwhelmingly approved by the Foreign Relations Committee.

It includes achieving the indefinite and unconditional extension of the Non-Proliferation Treaty, strengthening the IAEA and MTCR, negotiating the nuclear framework accord with North Korea, and signing two nuclear-free zone treaties which, together with the Antarctica and South American agreements, now mean that over half the land area of the earth is denuclearized.

These agreements, in tandem with the "true-zero" Comprehensive Test Ban treaty we intend to have ready for signature by September, establish strict restrictions on the further proliferation of nuclear weapons.

It includes the US/Russian detargeting agreement the President reached with President Yeltsin, which ensures that if—God forbid—a nuclear missile should ever be launched accidentally, it would cause no harm. And it includes the invaluable Nunn-Lugar program for directly removing nuclear capabilities.

As Michael Krepon has underscored in testimony and in his published writings, it is unfortunate that while Congress is increasing budget accounts for missile defense by hundreds of millions, many on the Hill have restricted or even cut funding for these preventive programs, and some have staunchly opposed the arms control treaties I mentioned.

The second line of defense against weapons of mass destruction is deterrence, both at the conventional and nuclear level. Any rogue nation foolish enough to contemplate using nuclear, chemical or biological weapons against the United States, its Armed Forces or our allies must not be confused about how we would respond. As Secretary Perry stated, it would be "devastating" and "absolutely overwhelming."

The President has made clear in three successive annual National Security Strategy Reports the plain fact that this Administration believes, fundamentally, in maintaining a robust and credible nuclear deterrent. Not because we believe Russia is going to attack us today, tomorrow, next week, next month, next year. But because we face an uncertain future and an uncertain world, and keeping our nuclear forces strong is a prudent hedge. That is why we decided to maintain the triad. That is why we decided to backfit the D-5 SLBM into our Trident submarines. And that is why the President recently decided that we are not going to go below START I levels until Russia ratifies the START II treaty.

The third line of defense is compromised by our theater and national missile defense programs, on which the Defense Department is spending \$3 billion a year. As Secretary Perry stated, our ballistic missile defense program starts with a sober and clear-eyed look at the missile threat. What is that threat?

First, there is the short-range missile threat, which is here and now. That threat includes SCUDs and other missiles with ranges below 1000 kilometers. To defend against such attacks we have deployed upgraded Patriots in various theaters around the world and are poised to deploy in the next few years more advanced PAC-3 and Navy Lower Tier TMDs.

Second is the emerging threat of more advanced, longer-range theater ballistic missiles. To counter these expected threats we are developing the Army THAAD and the Navy Upper Tier TMDs, with deployment planned after the end of the decade and, in the case of THAAD, a contingency deployment of 40 prototype interceptors available as soon as two years from now.

As this audience well knows, Congress and the Administration have disagreed over the pace of these two programs and our approach to the arms control dimension of both systems. Congress wants to go faster; we say we have the time to get it right. We say we should not build so much concurrency into the programs that we increase technical risk inordinately. On the arms control front, we are trying, in a cooperative fashion with Russia, to make clear that the ABM Treaty does not restrict TMD systems that have a hypothetical capability under certain sce-

narios to intercept certain strategic ballistic missiles. In this regard, we were encouraged by the understandings on ABM/TMD demarcation reached at last month's summit in Moscow. But as Secretary Perry emphasized, "our bottom line is that we will not give up the right to defend our troops from attack by theater ballistic missiles."

The third threat is the prospect that a rogue state will obtain a strategic ballistic missile that could threaten our homeland. When do we expect that could occur? This brings us to the recent National Intelligence Estimate—the now-famous NIE. That NIE says, as has been stated in open testimony, that the intelligence community does not believe it is likely that we will face an ICBM or SLBM threat from a rogue nation to the continental United States (CONUS) within the next 15 years. In the special case of Alaska and Hawaii—which we obviously recognize as full partners in this union of fifty states—the CIA has said, in a public letter to Senators Levin and Bumpers, that the intelligence community does not think that the North Korean Taepo Dong II, which might have the range to reach western Hawaii or parts of Alaska, will be operational within the next 5 years. Let me take each of those cases in turn.

First, why "15 years" in terms of a threat to CONUS? It is important to understand that this was not a case of building the threat from the bottom up, of starting now and going out in time year by year to see how far you could go before everyone agreed a threat was likely to emerge. Rather, the analysts decided that the 15 year mark was the most relevant point in time in terms of being useful to the policy and acquisition communities. They could have picked the 10 year mark, but since weapons systems have a 12-15 year acquisition period, that would have been too soon. And they could have picked 20 or 25 years, but that would have been too speculative. So they decided to ask themselves what they thought the situation would look like in 15 years.

Did the NIE ignore possible short-cuts that a country might pursue as an alternative to an indigenous, bottom-up ICBM or SLBM development, test and acquisition process? No. It looked at such alternatives as a rogue state buying, stealing or otherwise getting possession of a complete missile. They did not say it could not happen; that it was impossible. But they did judge that possibility to be remote or very low.

Did the Administration take comfort from the 15 year estimate and conclude we did not need to do anything before then? No. We are developing an NMD deployment option that could be fielded by 2003, eight years—I repeat, eight years, in advance of the estimate. I will have more to say about our program in a minute.

Did the NIE ignore the Alaska/Hawaii threats? No. That analysis is in there. In this case, the picture is less clear. But both the Air Force and the Army have on their own initiative put together quick response, treaty-complaint, relatively low cost deployment options that could defend Alaska and Hawaii against an attack involving just a few warheads. These options would be uniquely effective, and I would say exclusively effective, against just this kind of scenario: a North Korea that acquires a handful of missiles sooner than expected.

Finally, was the NIE "politicized", as has been charged? I will tell you categorically that the answer to that is "no." I say that for two reasons. First, the first I knew that there was an NIE coming out on this issue was when I came to work one morning and found it in my in-box. Anyone who thinks that someone at the White House could call up the CIA and order them to produce a

"helpful" NIE without the NSC knowing about it knows nothing about how the Executive Branch works. The second reason is that the 15 year estimate was a unanimous judgment among the various elements of the intelligence community. This was not a case of a "footnoted" estimate, where some organizations said one thing and others said another and the Administration decided to pick the most favorable view. Rather, all organizations that participated in the NIE were in agreement, and it was not a close call.

So, that it is our plan and our program. But our critics are supporting another approach, embodied now in the bill introduced by the Majority Leader and the Speaker, and we are about to engage in a great debate on this issue.

I want to be clear about the critical differences between the Dole-Gingrich bill and the substitute that Mr. Spratt offered that lost narrowly in committee and will be voted on again on the floor, and the substitute bill that I understand Senator Nunn is preparing for introduction in the Senate.

The first critical difference, as Secretary Perry emphasized in his speech at GW, is a question of timing. The Dole-Gingrich bill says choose the NMD architecture now and deploy it independent of what happens with the threat. Our plan is to develop a deployment option, assess the threat in three years, and examine the deployment requirement on a year-by-year basis starting in 2000. Either approach would allow a system to be fielded by 2003. But ours offers the prospect, if the threat does not materialize sooner than we expect, of saving the large sums now and across the Future Years Defense Plan (FYDP) that would be required to build and deploy a national missile defense.

How much would we save? Frankly, it is hard to say. Senator Dole said he did not know how much his plan would cost. That is because the Dole-Gingrich bill embraces such a wide range of possible architectures that it is impossible to estimate what the bill would cost. But if you take the most conservative option—that is, a two-site land-based ABM defense—that would cost on the order of \$20 billion in acquisition and operating and support costs. That is \$20 billion that is not in the FYDP or the Military Services' outyear budgets. That is \$20 billion that would compete with Service procurement requirements that we and the Chiefs agree have a higher priority. That is why the Chairman of the Joint Chiefs of Staff and the Chiefs oppose any significant increase in spending on ballistic missile defenses and have recommended that current levels be maintained.

I think it is interesting that some Members have held up copies of leaked memos from General Shali and read from those portions in which he and the Chiefs made recommendations with regard to procurement levels, but then have not gone on to read those portions in which the Chairman and the Chiefs recommend against spending more on missile defenses.

The second critical difference, quite frankly, is that, at least for some of its backers the Dole-Gingrich bill is a stalking horse for a return to a Reagan-era SDI, and our program is not. Let me illustrate that with five points.

Point One: The bill specifically embraces much of the Reagan-era "Star Wars" scheme.

The bill would direct the Secretary of Defense to deploy a national missile defense (NMD) by 2003 that includes one or more of four ABM interceptor options, three of which involve putting ABM weapons or sensors in space in violation of the ABM Treaty.

The bill recommends that the Secretary consider an NMD based on space-based laser

(SBLs). To "defend America" with SBLs would require, at a minimum, a constellation of 17 orbiting weapons platforms, at a cost of tens of billions of dollars that is not in the FYDP. In addition, there is at present no launcher in the U.S. inventory capable of placing a platform of this size and weight in orbit, thus billions more would be required to develop and produce such rockets. Although the SASC plussed up the SBL line in its version of the FY 1997 defense authorization act by \$101 million, BMDO believes that even if money were unlimited, the SBL technology is currently so immature that we could not expect to be ready to carry out the first test of a full-scale prototype for a decade. Yet the Dole-Gingrich bill suggests we would conduct a first "integrated systems test" of the entire system in two years and complete the deployment of the whole constellation in seven.

A second option the bill recommends to the Secretary is space-based kinetic-kill interceptors. To "defend America" with such orbiting rocket launchers would require resurrection of the SDI-era "Brilliant Pebbles" program, which was terminated several years ago. As with SBLs, an NMD that provided nationwide coverage from Hawaii to Maine would require deployment of a large constellation of orbiting weapons platforms that would cost tens of billions of dollars. If the "Brilliant Pebbles" program was reactivated today, BMDO believes the first interceptors would not be tested for three years and deployment would take much longer, yet the bill suggests there is a viable option to have a complete space-based kinetic kill NMD defense in place by 2003.

Sea-based ABMs: This third option would also violate the ABM Treaty. The bill recommends the Secretary deploy such a defense by 2003, yet we do not even have such an NMD program in R&D. Navy Upper Tier is a TMD, and upgrading it is an ABM would require development and deployment of space-based ABM battle management satellites that could replace the radars on the Aegis-class ships. Such ABM "components"—which were a central element of Reagan-era SDI architectures—would violate the ABM Treaty.

Point Two: Ignoring the space-based options in the bill requires a willing suspension of disbelief.

The only one of the four options recommended to the Secretary for deployment by 2003 that is allowed under the ABM Treaty and coincides with current DoD NMD development programs is ground-based interceptors. Deployment of 100 such interceptors at a single site is permitted. But if a ground-based ABM is what the sponsors of the bill want the Secretary to develop, why doesn't the bill just say so? Why does it also endorse the other three options? The answer is that there are influential defense experts backing this bill who fervently believe that land-based ABMs would be a mistake and that putting weapons in space is the only way to go. For these experts, the original Reagan plan was right, and everything that has happened since, including President Bush's downgrading of SDI to a limited-defense oriented "GPALS" has been a mistake.

Point Three: The bill requires that the initial NMD deployment "will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats".

The reference to a "layered" defense against "larger" threats is code for a return to the original Reagan-era "astrodome" SDI concept for stopping even an all-out Russian nuclear strike.

Point Four: The bill would state that "it is the policy of the United States to seek a co-operative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability."

This text restates vintage Reagan-era SDI ideology: the idea, often articulated by the former President, that Mutual Assured Destruction (MAD) is "immoral" and that we should replace it with an impenetrable missile shield that would allow us to dramatically reduce strategic offensive arms. In its most extreme form, we would "give" SDI to the Russians so we could both erect such shields in space and eliminate all our nuclear weapons.

Point Five: The bill concedes that the NMD that it requires be deployed by 2003 requires amendment of the ABM Treaty, but it mandates that if Russia does not agree to such amendments "within one year" we consider withdrawing from the Treaty.

The bill requires a "highly effective" defense that "optimizes" protection of CONUS, Alaska and Hawaii against limited missile attacks, including accidental or unauthorized launches. Acknowledging that these criteria cannot be satisfied within the Treaty as now constituted, the bill directs the President to obtain amendments that would allow an NMD of this level of effectiveness to be deployed.

The one-year deadline in the bill to achieve these amendments is not arbitrary, since, as noted, the bill requires a full-up systems integration test in two years of the NMD system that is to be deployed by 2003, and such tests could only take place after we had entered the development phase of the acquisition process. Any development or test of a space-based laser, space-based kinetic kill interceptor, sea-based ABM or multiple-site ground-based ABM system would violate the Treaty. Thus the time-lines established in the bill could, in the case of at least three of the NMD options it recommends the Secretary consider, only be met if the U.S. obtained the necessary treaty relief within a year.

In light of clear Russia opposition to any such amendments, the bill would be seen by Russia as tantamount to an "anticipatory breach" of the Treaty, thereby putting at immediate risk Russia reductions of strategic offensive arms under START I and START II. By holding a gun to the Russians' heads and demanding amendments within a year, the bill reflects an antipathy to the ABM Treaty reminiscent of Reagan-era "Star Wars" thinking. But in so doing, we stand to forfeit what otherwise would be a two-thirds reduction in Russia's strategic nuclear arsenal.

In conclusion, let me say that I spent eighteen years on the Hill: six at CRS working for both parties, four on the Senate Foreign Relations Committee working for a Republican majority, and eight on the Senate Armed Services Committee working first for a Democratic minority and then a Democratic majority. And the hallmark of those years was a spirit of bipartisanship and compromise when it came to important issues affecting our national security. I know that that spirit was still alive on the Hill as recently as last August, when Senator Nunn and Senator Warner, joined by Senator Levin and Senator Cohen, worked out a bipartisan compromise on missile defense policy that was supported by the Administration. That compromise passed the Senate with 86 Senators voting "aye."

As we begin Defend America week, I hope we will not be debating a bumper sticker slogan. Rather I hope we will have an honest and objective debate on missile defense policy and that a spirit of bipartisanship and compromise will again be evident.

Thank you.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments by the Senator from Georgia, and will not attempt to discuss them this evening since the hour is late except to note one thing; that is, that while reasonable people can differ about some of the elements of the bill, as I noted in my remarks and the Senator from Georgia noted to the point that maybe some people are more interested in a press release or the issue than actually getting it passed, I just ask our colleagues tomorrow when the cloture vote comes to put us to the test and allow us to at least have a vote on the bill. We would like to get it passed. I would much rather move forward with the bill, get it to the President so he can sign it, or veto it as the case may be, but at least to try to move forward with the issue. If the cloture vote is supported, and if the bill is defeated, then at least the body will have worked its way. But at least I would like to have people take yes for an answer, and yes in this case meaning that we are serious about moving forward and we would like to try to get something passed.

So again I urge my colleagues to support the cloture motion tomorrow.

Mr. NUNN. Will my friend yield briefly?

Mr. KYL. Absolutely. I am happy to. Mr. NUNN. I hope the Senator from Arizona will not exclude the possibility of continuing to have a dialog in this area to see if we can reach something that can be signed by the President this year. That is my goal. I think that is possible. But it is not likely the way we are going at this point in time.

I also add that, as the Senator may know, there has been an offer at least from some of us on this side. I will be careful how I word this. I am not sure who has signed off on it. That is at the leadership level now—an offer to have a vote on this bill so we do as the Senator indicated and come to some conclusion even if it goes to the White House and is later vetoed; but also to get a similar agreement on the chemical weapons treaty which has come out of the Foreign Relations Committee by a bipartisan vote. I think there are substantial numbers of Republican Senators who support that treaty. It is of enormous importance to a number of people in this body.

I think myself it will enhance our ability to deal with the growing threat of chemical weapons. And there is certainly a willingness by many people on this side of the aisle—certainly I speak for myself—to make sure that we get a vote on both of these bills this year; that is, the missile defense and the chemical weapons treaties.

I might add though that if there is no movement on the chemical weapons treaty and getting some time certain to deal with that, I think it is unlikely that there is going to be much movement by a number of our colleagues to have a vote on the National Missile Defense Act and substitutes thereto. I would like to get it up myself because

I would like to debate the substitute as I have outlined here today. There may be another substitute that is pretty much identical to the administration's proposal. My substitute will differ in certain respects from the administration's preposition.

So it is my hope that we can get both of these matters—both the National Missile Defense Act, as well as the chemical weapons treaty, up. I hope the Senator will work toward that end also.

Mr. KYL. In response, I hope the Senator from Georgia is not suggesting that the National Missile Defense Act is being held hostage to bringing up the chemical weapons treaty because the two are not linked, and there are a lot of us who believe that whether or not we could pass the chemical weapons treaty this year—and there is still more work to be done to that in the Judiciary Committee on which I sit which has not held hearings yet, given the fact we do not have a lot of legislative time in this session, that there is more to be done on that bill—I hope the Senator from Georgia is not suggesting that until we act on that we cannot act on this important matter of national missile defense.

Mr. NUNN. The Senator from Georgia is suggesting that there are a number of people in this body—and I am sure, whether it is 36, or 40, or 25, or 15—who want to make sure that we pass the chemical weapons treaty, or at least vote on it. It requires a two-thirds vote. If there is a one-third part against it, it will not pass anyway. And I say there are a number of people who would indeed tie those two together since both are deemed by a number of people with different reasons and different perspectives as important to national security.

Mr. KYL. It would be unfortunate if the two were required to be tied together and we could not act on the National Missile Defense Act, in my view anyway.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:32 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3322. An act to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes.

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, 2002, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. HOBSON, Mr. WALKER, Mr. KOLBE, Mr. SHAYS, Mr. HERGER, Mr. SABO, Mr. STENHOLM, Ms. SLAUGHTER, and Mr. COYNE as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3322. An act to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes; to the Committee on Commerce, Science and Transportation.

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2728. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the end of the regulatory period for onions grown in South Texas under Marketing Order 959 from June 15 to June 4 of each year, received on May 20, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2729. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule concerning the amended regulations to provide for the payment of indemnity for cervids destroyed because of tuberculosis, and to provide for the payment of indemnity for cattle, bison, and cervids found to have been exposed to tuberculosis by reason of association with any tuberculosis livestock, received on May 21, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2730. A communication from the Administrator of Food and Consumer Service,